App. F. IX-4

Preserve

192 .

File No. 30-26

Previous References (~~Pt~~ VB)

Serial Nos.

Later References

General and Revenue Secretariat.

Serial Nos.

R-198/E

Part B for

SUBJECT

Mysore Village Panchayat bill

Note & Memorandum

Manuscript

copy written & supplied
by D. Sitaramayya
19/11/15

Bangalore

43

THE MYSORÉ VILLAGE PANCHAYET BILL.

7, 6, 9, 12, 13, 14 (23)
(24), 31. 41 - 44

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4, 5, 13 14, 45, 52 — 55

Provided that it shall be lawful at any time after the passing of this Regn, to hold an election in a District or part of a Dt as prescribed in this Regn or the rules framed thereunder, but such election shall not take effect till the commencement of this Regn in such Dt or part of Dt.

(c) Every Panchayat ~~constituted~~ under the aforesaid ~~Regn~~ in the L.B & V. P. Regn ~~shall cease~~ in such Dt or part of Dt shall cease to exist.

THE MYSORE VILLAGE PANCHAYET BILL.

CHAPTER I.

PRELIMINARY.

Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State ; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Village Panchayet Regulation, ~~1925~~. Short Title.

(2) It extends to the whole of Mysore. Extent.

(3) It shall come into force in any district or part of a district on such date as the Government may, by notification, direct. Commencement.

2. On and from the date on which this Regulation comes into force in any district or part of a district, Repeal.

~~(a)~~ the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district;

~~(b) but~~ all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; ~~and~~ all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be ~~realised~~ under the provisions of this Regulation;

~~(c)~~ when in consequence of the repeal of the enactments referred to in sub-section (*a*) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.

3. In this Regulation, unless there is something repugnant in the subject or context, Interpretation

(1) "building" includes a house, shop, warehouse, workshop, hut and shed ;

(2) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

(3) "panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(4) "panchayetdar" means a member of a Panchayet;

(5) "prescribed" means prescribed by the rules made under this Regulation;

(6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality, ~~or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of Yelandur and Sringeri~~;

(7) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(8) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, 1925;

(9) "Amildar" includes a Deputy Amildar.

CHAPTER II.

CONSTITUTION OF PANCHAYETS AND CONDUCT OF BUSINESS.

Establishment and incorporation of Panchayets.

4. (1) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of ~~adjacent~~ villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.

Provided that the Deputy Commissioner shall, before a Panchayet is established for a group of villages or a regrouping of villages is effected, publish, in such manner as may be prescribed, a notice of his proposal to do so and consider any objections that may be preferred within one month of such publication.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by

Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.

Strength of the Panchayets and the Election or nomination of Members.

5. (1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.

(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village

(3) The members of the Panchayet may be,

(i) either wholly elected by the residents of the village or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

Provided that where the members are to be partly elected and partly nominated, the number to be elected shall not be less than half of the total number of members of the Panchayet.

(4) The members shall be elected in the manner prescribed.

(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.

Qualifications of voters.

6. Every person who—

(a) has completed 21 years of age;

(b) is a resident of the village or villages for which a Panchayet is to be established;

(c) was, during the year immediately preceding the election of the members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and *hittals* within the village; and

(d) is not subject to any of the disqualifications mentioned in section 7;

shall be entitled to vote at an election of members of the Panchayet.

Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.

Disqualification of voters.

7. No person may vote,

(*a*) who is of unsound mind; or

(*b*) who has been removed from office under section 13; or

(*c*) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,

(*d*) who ~~applies to be adjudicated or is adjudicated a bankrupt or insolvent; or~~

(*e*) who has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1904.

Qualifications of candidates.

8. Every person of the male sex who is entitled to vote at an election shall be qualified to be elected as a member.

Chairman.

9. (1) For every Village Panchayet there shall be a Chairman who shall be selected from among the Panchayetdars and either

(*a*) appointed by the Deputy Commissioner by name; or

(*b*) if the Government so directs, elected by the Panchayetdars in accordance with such rules and conditions as may be prescribed in this behalf.

Secretary for Panchayet.

10. Subject to such rules as may be made by the Government in this behalf, every Panchayet ~~shall~~ appoint a Secretary from among its members.

Term of Office of Panchayetdar or Chairman.

11. Except as is otherwise provided in this Regulation ~~or in any other law for the time being in force~~, members of Panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner ~~shall~~ thinks fit, for reasons which shall be notified, together with the order in the official gazette, so to extend the same. The term of office of a Chairman shall be co-terminus with or be the residue of his term of office as a Panchayetdar.

Vacation of seats.

12. (1) If any person subject to any of the disqualifications specified in section 7 is elected or appointed to a Panchayet, his seat shall be deemed to be vacant.

(2) If any member of a Panchayet becomes disqualified under section (7) during the term for which he had been elected or appointed, he shall cease to be a member and his office shall become vacant.

(3) If any question, dispute or doubt arises whether any vacancy has occurred under this section, the orders of the Deputy Commissioner shall be final for the purposes of deciding such question, dispute or doubt.

Removal of members.

13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed

under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.

Removal of Chairman.

14. The Deputy Commissioner shall remove a Chirman from his office for misconduct, or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.

Resignation of office of Panchayetdar or Chairman.

15. A Panchayetdar or Chairman may resign his office by giving notice to the Amildar, and on such resignation being accepted, such Pachayetdar or Chairman shall be deemed to have vacated his office.

Filling of casual vacancies.

16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills whould have been entitled to hold office if such vacancy had not occurred. The Secretary shall be in charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.

Business how transacted.

17. (1) A Panchayet shall meet for the transaction of business at such time and place, and follow such procedure as may be prescribed.

(2) At every meeting of a Panchayet, the Chairman shall preside, and in his absence, the members of the Panchayet present shall choose one of their number to preside thereat.

(3) The resolutions of the Panchayet shall be carried out by the Chairman in whom the entire executive power of the Panchayet shall be vested. The Chairman shall be directly responsible for the due fulfilment of the duties imposed upon the Panchayet by or under this Regulation.

An act of Panchayet not to be invalidated by vacancy or irregularity.

18. No act of a Panchayet shall be deemed invalid by reason only that the number of Panchayetdars at the time of the performance of such act was less than the sanctioned strength or by reason of any irregularity in the election of any member or Chairman of such Panchayet.

(*ix*) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade; and

(*x*) Other measures of public utility calculated to promote the safety, health, comfort or convenience of the residents of the area.

Duties—that may be delegated.

Transfer of village forest to Panchayets.

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.

Vesting Panchayet with functions under Tank Panchayet Regulation.

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation, 1911, may exercise and discharge.

Institutions or works may be transferred to Panchayet.

23. Subject to the approval of the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control.

Panchayet to exercise powers of school committees and manage Minor Muzrai Institutions.

24. The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to such rules or orders as may be passed from time to time.

Government's power to add to functions of Panchayets.

25. The Government may, subject to such conditions as may be imposed, authorise any Panchayet, by a general or special order, to exercise any functions or perform any duties other than those specified in sections 19 to 24.

General Power.

26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 27, 28, 29, 30, 31 and 32.

Power of Panchayets as to roads, bridges and water ways.

27. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads;

(b) construct new bridges;

(c) divert, discontinue or close any road or bridge;

(d) deepen or otherwise improve water-ways; and

(e) provide for the lighting of any road or public place within the village.

Control of the Erection of buildings.

28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet.

Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

(2) Whenever any building is erected, altered, added to or reconstructed without such permission or in any manner contrary to the rules prescribed under sub-section (1) or any conditions imposed by the permission, the Panchayet may—

(a) direct that the building, alteration or addition be stopped

(b) by written notice require such building, alteration or addition to be altered or demolished as it may deem necessary; or

(c) withdraw the permission.

Prohibition of offensive or dangerous trades without license.

29. (1) No place within the jurisdiction of a Panchayet shall be used for the purpose of any trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a license from the Panchayet and subject to such conditions as may be imposed in the license.

(2) When a licensee fails to comply with any conditions imposed in the license, the Panchayet may suspend or cancel his license.

Powers as to sanitation, conservancy and drinage.

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction—

(a) the Panchayet shall have power to,

(i) construct, alter or remove public drains;

(ii) establish burning ghats and burial grounds; and

(iii) effect such other improvements as are necessary to improve the sanitary condition of the area.

(b) The Panchayet may by a written notice, require within a reasonable period to be specified therein—

(i) the owner or occupier of any hut or the owner of any privy to remove such hut or privy either wholly or in part;

(ii) the owner or occupier of any building to construct private drains therefor or to alter or to remove private drains thereof;

(iii) the owner or occupier of any land or building which needs to be cleansed, to cause the same to be cleansed to the satisfaction of the Panchayet;

(iv) the owner or occupier of any land or building which contains or is attached to any well, pool, ditch, pit, pond, tank or any place containing or used for the collection of any drainage, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action therewith as may be deemed necessary by the Panchayet;

(v) the owner or occupier of any land overgrown with vegetation, under-growth, pricklypear, or jungle which is in any manner injurious to health, or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to cause it to be cleared of the vegetation, undergrowth, prickly pear or jungle.

(2) If any work required by a notice under clause (*b*) of sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (*b*) of sub-section (1) as if it were a tax imposed under section 36.

Power of Panchayet to provide for proper water-supply.

31. (1) For providing the area under its control or any part thereof with a supply of water, proper and sufficient, for public and private purposes, the Panchayet may —

(*a*) construct, repair and maintain tanks or wells and clear out streams or water courses;

(*b*) purchase or acquire by lease or gift any tank, well, stream or water-course, or any right to take or convey water within or without the area under its control;

(*c*) with the consent of the owner thereof, utilize, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom

(*d*) contract with any person for a supply of water; or

(*e*) do any other acts necessary for carying out the purposes of this section.

(2) The Panchayet may, by order published at such places as it may think fit, set apart for the supply to the public of water for drinking or culinary purposes, any tank, well, stream, or water-course in respect of which action has been taken under clause (*a*) or (*b*) or (*c*) of sub-section (1), subject to any

(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (3), the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account certified by a Chairman or an Amildar and after holding such enquiry, if any, as he thinks fit.

(5) Nothing herein contained shall preclude the institution by a Panchayet of a suit for any amount due under this Regulation.

Annual budget of Panchayets.

39. (1) Every Panchayet shall submit annually to the Amildar having jurisdiction on or before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year, and a report of its proceedings.

(2) Every such budget shall be scrutinised and passed by the Amildar with such modifications, if any, as he deems fit and a copy of it shall be sent to the Deputy Commissioner having jurisdiction. Provided that the budget shall be presumed to have been passed if it is not returned by the Amildar within a month.

(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.

Annual accounts and audit.

40. Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

CHAPTER V.

CONTROL.

Deputy Commissioner to be Chief Controlling authority.

41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the District.

Assistant Commissioner to exercise powers of Deputy Commissioner.

42. The Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk.

Amildar to exercise general powers.

43. Subject to the general control of the Deputy Commissioner, the Amildar shall exercise general powers of inspection, supervision and control over the Panchayets within his taluk; Provided that the Government may confer on the holder of any alienated village all or any of the powers of an Amildar under this Regulation.

Administration Report.

44. The Amildar shall submit annually to the Deputy Commissioner a consolidated report on the working of the Panchayets in the Taluk in such form as the Government may from time to time prescribe and the Deputy Commissioner shall review the report and submit a copy of his review for the information of Government.

Power of Deputy Commissioners.

45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty (whether obligatory, discretionary or delegated under this Regulation) annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner.

Inspection of records.

46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

Inspection of property or work.

47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction, have power at all times—

(*a*) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by, a Panchayet ;

(*b*) to call for and inspect any document which may be for the purposes of this Regulation in the possession or under the control of a Panchayet ; and

(*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit ~~and may give such advice in respect of the administrative work and proceedings as he thinks fit.~~

Appointment of Inspectors.

48. The Government may appoint for each taluk one or more Inspectors of Panchayets ~~to secure better supervision over Panchayets and~~ to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.

Power to provide for performance of duties in default of Panchayet.

49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the

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(*b*) to call for and inspect any document which may be for the purposes of this Regulation in the possession or under the control of a Panchayet ; and

(*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.

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Power to provide for performance of duties in default of Panchayet.

49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the

Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Amildar may appoint some person to perform it, and may direct that the expense of performing it with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Panchayet.

(3) If the expense and the remuneration are not so paid the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

A copy of the order passed under clauses (1), (2) and (3) shall be sent to the Deputy Commissioner as soon as it is passed and it shall be within the discretion of the Deputy Commissioner to rescind or to modify the order.

Power to suspend execution of orders, etc.

50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Extraordinary powers of an Amildar in case of emergency.

51. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the ~~service or~~ safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

(2) If the expense and the remuneration are not so paid, the Amildar may make an order directing the person having the custody of the balance of the Panchayet Fund to pay the expense and remuneration or as much thereof as is possible from that balance.

(3) The Amildar shall forthwith report to the Deputy Commissioner every case in which he uses the powers given to him by this section.

Power to supersede Panchayet in case of incompetency default or abuse of powers.

52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the (Deputy Commissioner having jurisdiction) may, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

Consequences of supersession of Panchayet.

(2) When a Panchayet is so superseded, the following consequences shall ensue:—

(a) all members of the Panchayet shall, as from the date of the order, vacate their office as such members;

(b) all powers and duties of the Panchayets may, during the period of supersession, be exercised and performed by such person or persons as the Deputy Commissioner from time to time appoints in that behalf;

(c) where a Panchayet is superseded, all property vested in it shall, during the period of supersession, vest in the (Deputy Commissioner) subject to all rights over, and all debts, liabilities and obligations, if any, affecting that property.

(3) On the expiration of the period of supersession specified in the order, the panchayet shall be re-established by reappointment or election and the persons who vacated their office under clause (a) shall not be deemed disqualified for appointment or election.

Appeals.

53. (1) Save as otherwise provided for in this Regulation an appeal shall lie against an order of—

(a) the Panchayet in a Taluk ~~to the Amildar of the Taluk~~;

(b) ~~the Amildar,~~ to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(c) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within ~~fifteen days~~ thirty days of the date of the order.

(2) The decision of the Deputy Commissioner shall be final.

Disputes between Panchayets.

54. (1) If a dispute arises between two or more Panchayets in the same taluk, the matter shall be referred to the Amildar for decision.

(2) If a dispute arises between two or more Panchayets which are within the same district but which are in different taluks, the matter shall be referred to the Deputy Commissioner and the decision of the Deputy Commissioner thereon shall be final.

(3) If a dispute arises between two or more Panchayets in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

Disputes between a Municipal Council and a Panchayet.

55. (1) If a dispute arises between a Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final :

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

CHAPTER VI.

MISCELLANEOUS.

Members, etc, of Panchayets to be public servants.

56. Every member of a Village Panchayet and every officer and servant maintained by or employed under it shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Liability of members for loss waste, or misapplication of property.

57. (1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, waste or misapplication.

(2) If the amount is not so paid, the same shall be recovered as an arrear of land revenue and credited to the Panchayet Fund.

(3) The decision of the Government shall be final as to the liability of a member under sub-section (1) and as to the amount to be recovered from him.

Institution of legal proceedings against Panchayet, member, officer, servant or Agent and bar of certain suits.

58. (1) No suit shall be brought against any Panchayet or any member, officer, servant, or agent thereof acting under its direction, in respect of any act purporting to be done in its or his official capacity, until the expiration of three months next after notice in writing has been, in the case of panchayet, left or delivered at its office, and in the case of a member, officer or servant, delivered to him or left at his office or place of residence. The notice shall state the cause of action, the name and place of residence of the intending plaintiff, and the relief which he claims. The plaint shall contain a statement that such notice has been so delivered or left.

(*b*) Every such action shall be dismissed unless it is instituted within six months after the accrual of the alleged cause of action and the service of such notice is admitted or proved.

(*c*) When the suit is against a member, officer, servant or agent of a Panchayet, the Deputy Commissioner shall determine whether the defence of the suit should be undertaken by the Panchayet and paid for out of the Panchayet Fund.

(2) (*a*) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority.

Provided that the provisions of this Regulation have been in substance and effect complied with.

(*b*) No suit or other legal proceedings shall lie against any member, officer, servant, or agent of a Panchayet acting under its direction, in respect of a nything done lawfully and in good faith under this Regulation or any rule made thereunder.

Punishment for obstructing Panchayet, member or agent.

59. Whoever obstructs or molests a Panchayet or any member thereof, or any person employed by it or him, or any person with whom it or he has contracted in the performance of its or his duty under the provisions of this Regulations, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Regulation, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work authorised by this Regulation, or removes or destroys, defaces or otherwise obliterates any notice put up or exhibited by the Panchayet or under its authority, shall be liable on conviction by a Magistrate to a fine not exceeding Rs. 50.

Punishment for offences under this Regulation and power to compound.

60. (1) Whoever—

(*a*) erects, alters, adds to or reconstructs a building without the written permission required by section 28 or in contravention of any of the conditions imposed by it or against

MVPR C

(*b*) uses any place for an offensive or dangerous trade without a license required by section 29 or contrary to the conditions imposed therein; or

(*c*) disobeys an order issued under sub-section (3) of section 31; or

(*d*) commits any other offence under the Regulation or the rules thereunder;

Shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 50; provided that a person convicted in cases falling under clause (*b*) or any other clause shall be liable to a further fine which may extend to Rs. 5 for each day after conviction during which he continues so to offend.

(2) A Panchayet may—(*a*) ~~accept by way of compensation a sum of money not exceeding Rs. 50 from~~ any person against whom a reasonable suspicion exists that he has committed any ~~of the aforesaid~~ offences, and on such compromise no proceedings shall be taken against such person in respect of such offence;

(*b*) Compound ~~for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted~~ under this regulation or any rule thereunder.

(3) All fines imposed by a Magistrate under this Regulation or the rules framed thereunder shall be recovered and credited to the Panchayet Fund.

Power of Government to make rules.

61. (1) The Government may make rules to carry out all or any of the purposes of this Regulation not inconsistent therewith.

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:—

(*a*) with reference to all matters expressly required or allowed by this Regulation to be prescribed;

(*b*) for giving intimation of vacancies in the offices of Chairman and Panchayetdars, for fixing the time within which elections shall be held for filling such vacancies, and generally for regulating all elections under this Regulation and determining the authority who shall decide disputes relating to such elections;

(*c*) regulating the establishment of the Panchayets and their powers to acquire, hold and transfer property and to enter into contracts

(*d*) as to the powers that may be exercised by the Chairman;

Sec 161 Proviso. Int Regn — Copy — Six months — Power to Panchayet to provide

(*e*) as to the grant of leave to the Chairman and Secretary and for the conduct of business during their absence;

(*f*) regarding the time, place and the conduct of meetings of Panchayets and quorum;

(*g*) regarding the appointment of the officers and servants of the Panchayet and their salaries, allowances, pensions, gratuities, transfers and punishments;

(*h*) as to the levy of taxes, cesses, rates, fees or other dues under this Regulation, their assessment and recovery including the procedure to be adopted during distraint, sale, etc.

(*i*) as to the accounts to be maintained by Panchayets, the audit and publication of such accounts, and the arrangements to be made for the lodging and custody of the Village Fund;

(*j*) as to the returns, statements and reports to be submitted by Panchayets;

(*k*) as to the preparation and sanction of the estimates of receipts and expenditure of Panchayets;

(*l*) prescribing the manner in which notifications and orders under this Regulation shall be published;

(*m*) prescribing instructions for the guidance of the controlling authorities in exercising the powers delegated to them;

(*n*) prescribing the class of Magistrates by whom offences under this Regulation or the rules thereunder shall be tried;

(*o*) as to the settlement of differences or disputes between any two Panchayets or between a Panchayet or any other local authority in regard to any matters arising for decision under this Regulation;

(*p*) regulating the conservancy of villages;

(*q*) providing for the protection and periodical examination of wells and water-supply in villages;

(*r*) defining and prohibiting public nuisances in villages; and

(*s*) improving the sanitation of villages in other similar respects;

(*t*) regulating the grant of permission to erect buildings and the conditions and terms that may be imposed.

(3) The power to make rules under this section is subject to the condition that the rules shall not take effect, until they shall have been previously published in the Official Gazette.

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61.A. Repeal section 101 of the St. Bd Bill. to provide for exceptional cases such as Sringeri etc

Form of notices.

64. All notices given or issued under the provisions of this Regulation shall be in writing.

Method of serving document.

65. (1) When any notice or other document is required by this Regulation or by any rule or order made under it to be served on, or sent to, any person, the service or sending thereof may be effected:—

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of residence or business, or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the village and his address elsewhere is known to the chairman, by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of his last place of residence or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.

(3) Whenever in any bill, notice or other document served or sent under this Regulation or the rules thereunder a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence of any distinct provision to the contrary in this Regulation or the rules thereunder, be calculated from the date of such service or sending.

STATEMENT OF OBJECTS AND REASONS.

In connection with the reorganisation of the scheme of Local Self-Government, the Local Self-Government Conference of 1923 sent up among others, the following resolutions relating to the future development of Panchayets:—

(*a*) That the village improvement committees shall be abolished and that the Panchayet scheme should be introduced into all rural areas, each village or group of villages being constituted into a Panchayet;

(*b*) that the duties of the Panchayets should be classified as obligatory and optional;

(*c*) that the Panchayet should be invested with powers under the Village Courts Regulation and entrusted with power over minor Muzrai Institutions; and

(*d*) that the Panchayets should supplement their income by taxation to the extent necessary for the discharge of their obligatory duties in addition to the contributions that may be made to them by the Government or District Board.

After considering the resolutions of the conference, a draft scheme was prepared and the general lines on which it was proposed to further develop Local Self-Government in the State was placed before the Representative Assembly. After due consideration of the views of the Assembly the Government passed orders in G. O. No. L. 4542-71—L. B. 104-24-1, dated 23rd December 1924, indicating among other things the principles on which the Panchayet Scheme is intended to be worked.

The accompanying Bill has been prepared to give effect to those principles.

The scheme is proposed to be given effect to in any district or part of a district on such date as the Government direct.

Provision is made for election as well as nomination of members of Panchayets, as nomination will be necessary in the initial stages of Panchayet Development.

Women may vote, but not stand for election to a Panchayet.

The Chairman of a Panchayet will as a general rule be nominated, but will be elected where Government so directs.

The functions of the Panchayets are classified into three heads, *viz.*, (*a*) obligatory duties, (*b*) discretionary duties; and (*c*) duties which may be delegated to Panchayets.

The obligatory duties are limited to village communications, conservancy and sanitation. The discretionary duties are made as comprehensive as possible to enable the Panchayets to enlarge the scope of their activities, as they gain experience and realise the benefits of Local Government and taxation. The duties which Government or Local Bodies may delegate are not many and relate in the case of Government to transfer of functions under the Tank Panchayet Regulation, and Forest Panchayet Rules. Provision is also made for the transfer of Minor Muzrai Institutions, Elementary Education or any other institution to the management or supervision of Panchayets.

In order to enable Panchayets to function efficiently, powers of local taxation are given to Panchayets in respect of a levy of tax on houses, shops, vacant sites and *hittals*. Provision is, however, made for exemptions.

Power is also given to the Panchayets to levy any other tax with the previous sanction of Government.

The Deputy Commissioner is made the chief controlling authority in regard to the administration of the Panchayets in the district. The local revenue officers may be delegated with these powers. Provision is also made for the appointment of Inspectors to assist in the internal administration and control of the Panchayets.

GPB—735—4-9-25

Pre.

cl 2 — In sec (1), insert ":" for "." after "provided that" — After "be deemed" add ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ ~~[illegible]~~ this Regulation. as per (b) (i)

cl 1 — Have powers as Dist Board — agree (3)

cl (3) = omit reference all powers after Municipality firstly because Sanitary Board accepts it secondly pursuant cl 2, have power not to introduce Reg into any portion not sec 2.

'defs' 'default' insert Sub-Inlet

Defns to come in alphabetical order

cl (4) 2. add — "whether within or without the limits of the area over which it operates" after "Act" in 5 add "&c."

Subject to the rules ~~of~~ subject to such rules as the Govt may ~~fix~~ be framed in this behalf, + omit words "and the first behalf".

~~For "1" by each~~

~~for as the Govt~~

~~Cl (2) (b) Shall consist of~~ ~~such~~ ~~number of members~~ ~~being less than 5 nor more than~~ ~~12~~ not less than 5 nor more than

A ~~Pt~~ shall consist of such number of members not less than 12, as may be fixed by the Magistrate, D.C., subject to the rules framed by Govt in this behalf

Cl (5) (3) The Members of a Panchayat shall be residents of the Village or Villages in which the Panchayat is constituted ~~& the Magistrate may direct~~

Cl 5 (2) for "Shall" substitute "May"

(1) after "Village" add "or Villages"

(iii) ~~Cl 5 for "direct"~~ ~~omit~~ ~~after notification~~ ~~Govt~~ ~~omit~~ "to a notification in this behalf"

(5) omit

+ for "full" say "required"

at the end add

~~"for purposes of V, Key Act"~~

Cl 6 – after "tax" – add "is"

Cl 6 (c) : after assessed –

add "or income tax or ~~the~~ local rates"

after "accounting" say

"any act or omission of the

Commissioners – VAT –

(c) after "tax or rates"

~~substitute for~~ and

add after "assessed" "or"

omit the rest.

Cl 6

Adopt Marks

insert suitable alterations +

~~add~~ for B.N. Jones. insert assessed

+ add Cl (d)

next page

vide

Cl 6. Adopt - Madras Act
Sec 6. with three exceptions.
Omit the word 'male'
+ reduce the age to 21 years

Cl 5 Keep clause as it is
& add "Elected" before "Members"

Cl 7 - (c) ~~Offence punishable~~ Convicted for an offence punishable with imprisonment exceeding 6 months. Sentence not having been quashed or reversed or pardoned - ~~disqualification~~ will cease 3 years after expiry of Sentence -

(d) Bankrupt - ~~and~~ omit applies to insolvency of adjudicated person : & disqualified for a period of

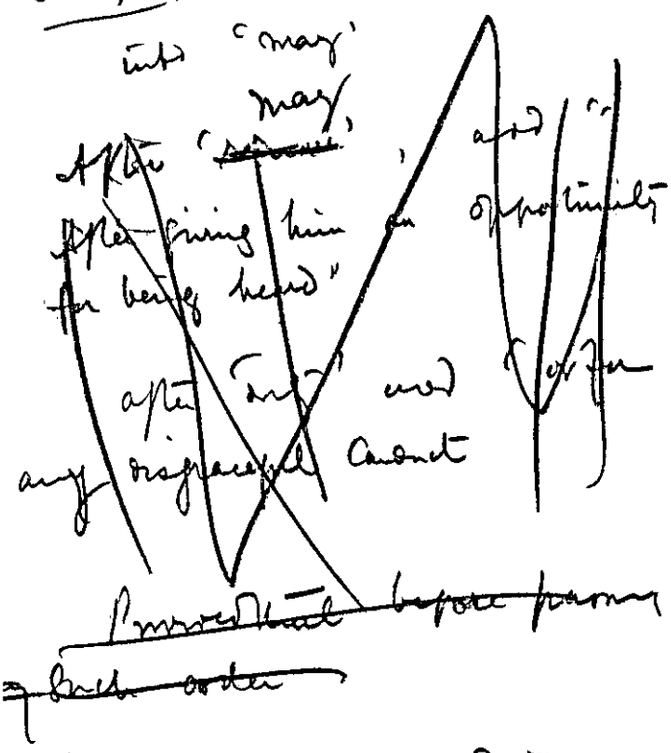
(e) disqualified for the period during which he has to furnish Security for good behaviour

[Make the same changes for same clause in all Acts @ Mad. Both Bos +.

~~To be deleted by Govt~~ ~~Omit~~ ~~Govt~~ ~~Govt~~ ~~Govt

Cl 13 :- After cl 13 - add -
"The order of the Deputy Comm shall be final"

cl 14, Change "Shall" into "may"



After "may" - add "

"after such enquiry as ~~the aforesaid~~ deems necessary" ~~after giving him an opportunity of being heard~~"

Provided that no such order shall be passed without giving him an opportunity being heard."

An appeal shall lie to Govt, from the order of the DC in this matter

Cl 10 "may" - for "Shall" say
perform such duties as may be prescribed

Cl 16. after Secretary, add, "if any," or any member selected Panchayat"

d) The Panchayat shall, in the transaction of business so follow such procedure as may be prescribed

(3) All questions before Panchayat shall be decided by a majority of votes of the members present voting except as otherwise provided

(4) ~~not attend~~

Five members form a quorum for a meeting of Panchayat & a bare majority for a meeting of the hamlet.

The quorum shall be not less than half of the number of members but shall not be less than 5 in any case. In case of hamlet, it may be a bare majority

Clause 19. Omit (viii)

part of (iv) take it down

Omit (i) (ii) & (iii)

cl 20 (ix) Providing facilities for the development for the first fewwords

cl 22

cl 23 "Subject to such rules as may be prescribed for" - Substitute.

27 - Add new clause

28

~~Provided~~ etc

~~Provided that the person~~
~~so applies~~ such permission
shall not be ~~unreasonably~~
refused, except on the
ground of the site being ~~not~~
~~suitable~~ unsuitable ~~for the purpose intended~~
on sanitary grounds

Cl 30 add (1) (a)
alfrejeki

Cl 84 - (1) last portion to be
transferred to Sec 40

" (3) for "invested" substitute "lodged
in a Co-operative Society or Bank"
being after "or"
the sentence - "or in such
manner as may be prescribed by
Govt".

Cl 85 - ~~Every Municipality shall~~ The manner prescribed,

Every ~~Municipality~~ shall levy a tax
~~every village included within its~~
~~jurisdiction~~ all
a tax on houses, shops, places, house or building, vacant sites,
lands in the village villages within its
jurisdiction.

The rates of such taxes shall not
exceed the maxima that may
be prescribed ~~by the Govt~~

add - Provided that

cl 26. add proviso

Provided that the Govt. may appoint Committee to perform any of these functions

cl 36 omit as such less

After 36 add a new Section

CL 38 (2)+(3) reverse order -

(4) omit ~~a chairman~~

Add Bombay - Say "Trustees" for Local Board

38 Cl (4) to ~~(5)~~ 6

Any dispute as to

matter of 36A

- Every appln made & under this Cl 4 & every suit under Cl (5) shall be made & filed within three years after

Cl 37. Objections to assessment, ~~etc~~ and the liability of any person to be assessed under this Regulation, shall be preferred & decided in accordance with the rules made under this Regulation.

39 (1) - ~~Subject to provisions~~

Cl 37 (4) Every such Body ~~shall be determined~~ the function and ~~modifications~~, if any, by ~~the Govt~~ shall be exercised by the Panchayat

Subject to such rules as may be prescribed, every P. shall prepare a budget of Estimated receipts & expenditure for

the next financial year
forwarded to the Auditor having
jurisdiction. ~~(their entire powers)~~

B1 — 'Budget' — not 'Estimate'
'and' — 'during the year
to which — relates'
'passed' for 'approved'
'Auditor' for 'Deputy Comptroller'

cl 40 'After Shall be'
'added' 'maintained ~~and~~"
+and up to 'every' +
before every and 'for'
for 'from time to time'
'may'

cl 36 not allowed —
any such may ~~not be~~
cancelled under the previous
sanction of Govt

41 ~~Not Govt Servants~~ "Any Officers of the State"

42 + ~~save as otherwise provided~~
in ~~this Rules~~" ~~Act~~ Except
after sub-sec, and Except
in Secs —

the next official year—
forwarded— to the Auditor having
jurisdiction. ~~+ (+ Town Council pursuant to)~~

B1 — 'Budget' — not 'Estimate'
'and' — 'during the year
to which --- relates'
'passed' for 'approved'
'Auditor' for 'Department'

cl 40 'After shall be'.
'awarded' 'maintained ~~and~~"
+ 'and up to 'every' +
before every and 'for'.
for 'from time to time'
say 'may'.

cl 36 for 1 read -
Any such may ~~not~~ be
cancelled with the previous
sanction of the

41 ~~Not Less Than~~ Say By Laws of "the Board"

42 + ~~Save as otherwise provided~~
in ~~this Regn~~" After Secy - Sec, and Except
in Secs —

1. Co-ordination of the Distt Bd of Panchayats Cls 46 & 47 Changes as instructed

2 Cantt - tax -

3 Amendt of Secs 21 & 25 - already given to the Chiefsec.

4(C) last sentence omit-

Preamble

Reason

X.C

Prescribing the period of imprisonment in the alternative and the nature of the actual punishment awarded, should be taken into Consideration

In many cases it is not possible to impose a sentence of imprisonment for very large amounts. It might be considered preferable to make it obligatory upon the Court in each case to recommend

Sec 11

Sec 14

Subject to the

The Government may by general or special order entrust to Panchayat to prescribe such rules as may be necessary for their management & supervision.

Appeal to Courts.

Rs 90 days.

84 (1)

Sec -

84(2) The Govt may be general or special order assign any specific revenue or make any grant to the V. P. Fund.

Proviso to Sec 7

Provided that (i) the disqualifications mentioned in cl(b) will cease to operate after expiry of 5 years from the date of removal,

(ii) the disqualification mentioned in cl(c) will cease to operate after the expiry of one year from the date of conviction

in the case of a person sentenced to imprisonment for a period not exceeding six months only for default to pay a fine or in lieu of imprisonment for non-payment of any amount due to the Panchayat, after one year from the expiry of the sentence

In all other cases, after three years after expiry of the sentence.

Sec 19: to (1) ... not including those and (2) except those placed under the control of the Govt or any other local body or of Govt."

To see 3 of the Regulation
the following proviso shall
be added

Provided that where
a Village Panchayat has been
established for the Village,
under the Village Panchayat
Regulation, the Govt-
may, subject to such
limitations & conditions as may
be imposed in this behalf
empower the Village Panchayat
to exercise all the powers &
discharge all the functions of
a Panchayat under this Regulation
Constituted under this Regulation

For Section 21, substitute the following:

21. The forest may subject to such limitations & conditions as may be imposed in this behalf, transfer to any Panchayat the management and control of grazing in Inhabanne & Gomal lands and the management, protection & maintenance of Village Forests whether reserved for fuel and fodder or for other purposes."

For Sec 25, substitute the following:

The forest may a subject to such limitations & conditions as may be imposed transfer that to any Panchayat, in Village vacant lands reserved for the disposal of Amanis, fisheries & and grass growing on the rear slopes of lands which are not under private ownership, and authorise any Panchayat, by general & special order, to exercise any functions or perform any duties other than those specified in Secs 15 to 24."

The Second Member of Council was pleased to direct that the following subjects also may be placed before the Council for consideration on the 26th November 1925.

======

1. Levy of tax on carts, compulsorily by Village Panchayets.

2. Co-ordination of the District Boards and Village Panchayets.

With regard to cart-tax, the Select Committee considered that cart-tax may be included among the compulsory items of taxes. In this connection please see the opinion of the Council dated 5-9-1924. The decision was to abolish Mohatarfa and require Panchayets to compulsorily levy the items of taxation referred to in Section 56 (b) and (d) of the L.B.and & V.P.Regulation, i.e., on houses, shops, vacant sites and hittals. Kind reference is also invited to the notes of Mr.B.T.Kesaviengar, Special Officer, L.S.G. taken down at the Council meeting on 5-9-1924 which shows that the abolition or continuance of the levy of cart-tax was also considered by the Council. The cart-tax has not been included in the taxes to be compulsorily levied by Panchayets in para 4 (d) of the Memorandum on Local Self Government placed before the R.A. and in para (5) of the G.O.of 23rd December 1924 issuing orders on the further improvement of Local Self Government.

With regard to co-ordination of District Boards and Village Panchayets, the Select Committee appointed to consider the Village Panchayet Bill propose to make the following changes:-

(a) Village Panchayets - (i) control of epidemics and control of markets to be assigned to them to be included under Obligatory Duties;

(ii) supply of water for domestic purposes and registration of births and deaths to be transferred from the list of Discretionary Duties to Obligatory Duties.

Village includes a Hamlet

a Village, means a Village

the Village Panchayat of

which consists of all the

adult voters of the Village

as provided for in Sec

If two thirds of the voters

in a village included in the

the limits of any village

Panchayat having jurisdiction

over more than one Village

elect to be excluded in the

the limits of any of the

Village Panchayat, such

Village may, with the

consent of the latter Village

Panchayat be so included

after a period of five years may similarly

get included in any [illegible] and if two thirds

the number of voters

included in any Village

...tary for Panchayet.	10. Subject to such rules as may be made by Government in this behalf, every Panchayet shall appoint a Secretary from among its members.	Secretary for Panchayet. 10. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed.	Appointment of a Secretary should be optional and his duties should be fixed.
Term of Office of Panchayetdar or Chairman.	11. Except as is otherwise provided in any other law for the time being in force, members of panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner shall think fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of Office of a chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.	Term of Office of Panchayetdar or chairman. 11. Except as is otherwise provided in this Regulation members of Panchayets shall hold office for a term of three years, ~~extensible by~~ order of the Deputy Commissioner to a term not exceeding the aggregate four years, if on any occasion, the Deputy Commissioner thinks fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a chairman shall be coterminous with or be the residue of his term of office as a Panchayetdar.	The words "or in any other law for the time being in force" are ~~incorrect~~ and are proposed to be omitted. "thinks fit" is substituted for shall think fit" as more appropriate.
Removal of Members.	13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed, under this regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.	Removal of members. 13. The Deputy Commissioner, may on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity ~~for~~ being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be ~~xxxx~~ final.	As the removal is on the recommendation of a Panchayet and the member has opportunity ~~to state his~~ case, the decision of the Deputy Commissioner should be final.
Removal of Chairman.	14. The Deputy Commissioner shall remove a chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.	14. The Deputy Commissioner may, after giving an opportunity of being heard and after such enquiry as he deems necessary, remove a chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty or for any disgraceful conduct. An appeal shall lie to Government from the order of the Deputy Commissioner ~~in this matter~~.	Power to remove a chairman should be discretionary & not obligatory. The chairman should be given an opportunity to state his case & if necessary an enquiry should

ling of casual vacancies.

16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office ~~so long as the Chairman or Panchayetdar shall hold office~~ so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secy. shall be in charge of the office of the Chairman during a casual vacancy, pending the appoitment or election of a new chairman.

16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated ~~elected or nominated~~ as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary if any or any member selected by the Panchayet shall be in charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.

The addition made is necessary as the appointment of a Secy. is only optional, Vide change proposed in Sec.10.

Business how transacted.

17. (1) A Panchayet shall meet for the transaction of business at such time and place, and follow such procedure as may be prescribed.

17. (1) A Panchayet shall, in the transaction of business, follow such procedure as may be prescribed.

Should rules prescribing time & place of meeting are sufficient hence the change.

Procedure for transaction of business includes the time and place of meeting, hence the ~~latter~~ ~~words are omitted.~~ ~~Moreover they are included in the section empowering the framing of rules.~~ framing

(2) The quorum for a meeting of the Panchayet shall be not less than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet it shall be a majority of the ~~members~~ votes in the hamlet

(3) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting.

uestions are to be decided by a majority of votes. This matter may not be left to rules, as also the quorum for meetings. Hence the proposed additions.

Obligatory duties.

19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:-

(iv) Extension of village sites and regulation of buildings.

Obligatory duties.

19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:-

(iv) Regulation of buildings.

xtension of village sites is proposed to be included in the optional duties.

xii) Supply of water for domestic use

his item is proposed to be brought under obligatory duties.

Discretionary duties.	20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters-- (i) Supply of water for domestic use; (ii) Enforcement of vaccination; x x x (vi) Excavation and maintenance of ponds for animals; x x x (ix) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade; and	Discretionary duties. 20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, whithin the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters:-- (i) Omit. (ii) Omit. (iii) Extension of village sites. x x x (vi) Excavation and maintenance of ponds for the supply of water to animals. (ix) Development of education, agriculture, co-operation, rural industries and trade; and	(i) Vide sec.19. Brought under obligatory duties. (ii) This is the duty of the District Board and hende proposed to be omitted. (iii) Vide sec. 19. to be treated as optional duty. (vi) The addition calls for no remark. (ix) 'Development' is an appropriate word. There can be no economic improvement of education and like matters unless co-operation is also included.
	21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.	21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of village Forests whether reserved for fuel and fodder or for other purposes.	Power is taken to transfer control over grazing the hulbanni and gomal lands, if found desirable.
Transfer of village forests to Panchayets.			

22. Government may, subject to such limitations and conditions as may be imposed in this behalf empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation 1911, may exercise and discharge.	The Govt. may, subject to such limitations and conditions as may be imposed in this behalff, empower any Panchayet to exercise all the powers and discharge all the functions of a Panchayet constituted under the Tank Panchayet Regulation 1911 not withstanding anything contained in Sec.3 of that Regulation.	A Tank Panchayet is constituted in a special manner under these Sections. It is proposed to entrust the powers and functions of a Tank Panchayet to a Village Panchayet notwithstanding the provisions of the above sections.
23. Subject to the approval of the Govt. any Dist. Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet had got control.	Subject to ~~seven~~ rules as may be prescribed by the Govt, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.	This is to avoid each case, coming up, to Govt. for approval. General rules may be framed by Govt. leaving the terms &c. to the bodies concerned.
26. A panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified sections 27,28,29,30,31 and 32.	A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections,27,28,29,30 31 and 32. Provided that the Panchayet may appoint committees to perform any of these functions.	It is desirable to provide for the appointment of Committees to perform certain functions. The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work.

2 (a) lay out and make new roads; (b) construct new bridges; (c) divert, discontinue or close any road or bridge.	(a) lay out and make new roads; (b) construct new bridges; (c) widen, open, enlarge or other wise improve any road or bridge;	A fresh clause - re-widening enlarging &c of roads and bridges is proposed to be added - such a provision exists in Madras Act
28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.	28. Subject to such rules as may be prescribed no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be refused except on the ground of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.	'Prescribed' is defined in the Regulation. Hence the words omitted are redundant. There is no indication as to when and on what grounds permission to build can be refused. It is proposed to make it clear that permission can be refused only on sanitary grounds.
30. (1) If it appears necessary to improve the Sanitary condition of any area within its jurisdiction- a) the Panchayet shall have power to, i) construct, alter or remove public drains; ii) establish burning ghats and burial grounds, & iii) effect such other improvements as are necessary to improve the sanitary condition of the area. (b) The Panchayet may by a written notice, require within a reasonable period to be specified therein—	(1) If it appears necessary to improve the Sanitary condition of any area within its jurisdiction a Panchayet may by a written notice, require within a reasonable period to be specified therein—	The whole Sub Clause (1) is proposed to be omitted. Sec.26 in conjunction with Sec.19 provides for these matters.
(2) If the work required by a notice under Clause (b) of Sub Sec.(1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub section (1) as if it were a tax imposed under Sec.36.	(2) If any work required by a notice under Sub Section (1) is not executed within t the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in Sub Section (1) as if it were a tax imposed under section 35.	Consequential changes: Section 36 is not the correct Section. It ought to be Sec.35.

Section 31 Sub Section (3)

(3) The Panchayet may, by order published at such places as it may think fit prohibit all bahing, washing of clothes and animals, or other acts calculated to pollute the water of ~~the~~ tank, well stream, or water course set apart for drinking or ~~ex~~ culinary purposes under sub section (2)

Section 31 Sub Section (3)

(3) The Panchayet may by order published at such places as it may think fit, prohibit—

(a) all bathing, washing of clothes and animals or other acts calculated to pollute the water of any tank well, stream or ~~water source~~ water course set apart for drinking or culinary purposes under sub section (2) and

(b) during epidemics the use of any ~~water~~ source for drinking or culinary purpose or for the washing of clothes

The ~~existing~~ sub-section ~~does~~ provide against pollution of water. It is necessary to provide for cases where there may not be pollution, but there may be fear of infection and spread of infection Sub ~~section~~ clause (b) is therefore added.

33 Subject to such rules as may be framed by the Government in this behalf every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances gratuities, pensions and contributions as the Government may direct.

Officers and servants.

33. Subject to such rules as may be framed by the Government in this behalf every Panchayet shall employ such officers and servants and shall assign to them such pay allowances, gratuities, pensions and contributions as may be necessary.

As appointments are subject to rules framed by Government reference to Government in the ~~matter~~ matter of the ~~pay~~ pay, ~~etc~~ etc, ~~is~~ to be omitted.

34 (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871 as amended by Regulation VIII of 1892 all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund" the accounts of which shall be kept in the manner prescribed.

Panchayet fund and its application and investment

34 (1) All sums realised as taxes fees cesses fines or costs under this regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871 as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund".

The last ... provision for maintaining ... accounts is made in Section 40 which is the proper section

(3) The Panchayet Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co-operative Society A Panchayet may from time to time with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.

(3) The Panchayet Fund shall be lodged in the Government Savings Bank or ~~with the approval of the Deputy Commissioner~~ in a Co operative Society or Bank or in such manner as may be prescribed A Panchayet may from time to time with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government

"Invested" would mean that the money may not be withdrawn whenever necessary So it is proposed to be replaced by "lodged" The Panchayets may also be empowered to deposit money in any Bank or in any other manner with the approval of the Deputy Commissioner. Section is recast accordingly.

35. In every village a tax on houses, shops vacant sites and hittals shall be levied subject to such rules and not exceeding such rates as shall be prescribed.

Provided that it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals with the previous sanction of the Government.

(obligatory taxes.)

35(1) Every Panchayet shall levy in the manner prescribed, a tax on all houses, shops or places of trade or business, vacant sites hittals and carts in the village or villages within its jurisdiction.

(2) The rates of such taxes shall not exceed the maxima that may be prescribed.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals ~~with the previous sanction of the Government~~. subject to such rules as may be prescribed in this behalf.

(1) Shops do not include places where any profession or similar business is carried on. Tax on carts is one of the items of Mohatarfa now collected. Its omission perhaps is accidental The clause is recast to include both the items

(2) Calls for no remarks as there is no change in the sense.

As the sub-clause stands, each case for exemption

~~Section 36.~~

36

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess rate or fee is leviable, commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at s ch intervals, for such period of time and under such conditions as may be prescribed in this behalf

~~Section 36~~

36 (1)

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf

(2) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.

36 A. (1) If at any time in the opinion of the Deputy Commissioner the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such figure as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under Section 35.

Increase of income

Nil

in amount

The words 'of such cess' are proposed to be omitted as commutation of payment into labour, is to be permitted in the case of all taxes, rates and fees also levied under this Sectio

Provision for cancellation of a tax etc. is necessary and is proposed to be made

Panchayets have got certain obligatory duties to perform under Section 19. They have discretion subject to the maxima to be prescribed by Government, to fix whatever rate they choose to. They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory. To avoid an intentional attempt in this direction, the new section is proposed to be added. It is proposed that such additional taxation should be imposed only by the Deputy Commissioner of the District; and an appeal shall lie to Government. This gives the ~~Vice-President~~ the maxima of autonomy consistent with the safety of the people.

Village Panchayet

Provided that in no circumstances shall the Deputy Commissioner -- have power to require the rates of taxes to be increased beyond the maxima prescribed.

(2) An appeal shall lie to Government ~~against~~ from an order of the Deputy Commissioner under this Section.

Section 37.

No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in -- accordance with the rules made ~~x~~ -- under this Regulation.

37

Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation.

Recast so as to put the same thing in the positive form. Calls for no -- remarks.

Section 38.

(1)

(2) The procedure to be followed prior to and during distraint and sale, the properties to be -- exempted from distraint and the disposal of surplus proceeds etc., shall be in accordance with the rules framed in this behalf.

Section 36.

(1)

(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar ~~shall~~ may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).

The order of clauses (2) and (3) is reversed as being more logical.

(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall recover the same by distraint and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section(1).

(5) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.

19

If the taxes or other dues cannot be recovered under sub-sections (1) and (3), the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account certified by a Chairman or an Assistant and after holding such enquiry, if any, as he thinks fit.

(5)

if the taxes or other dues cannot be recovered under sub-sections (1) and (2) a statement of account shall be prepared by the Collector and submitted to the Commissioner or to the Deputy Commissioner where there is no Assistant Commissioner in charge, for certification. The statement of account so certified shall be conclusive evidence of the existence of the arrears, of the amount due and of the person liable therefor.

On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any District to recover the dues as arrears of land revenue, as if the demand arose in his own District.

(6) Every application made under the sub-section for the recovery of dues as an arrear of land revenue and every suit filed under sub-section (5) shall be made or filed within three years after the amount fell due;

such arising in one District may have to be recovered in another District, it is proposed that such dues should be certified by an officer of the rank of an Assistant Commissioner as in the Land Revenue Code.

It is also proposed to fix a period of three years within which either a suit is to be fixed for recovery of dues or an application made to have the dues collected as arrears of land revenue.

Proceedings made be taken under sub-sec (4)

two suits instituted under sub-sec (5)

more than three years after the amount fell due.

(1) Every Panchayet shall submit annually to the Tahsildar - Annual budget of having jurisdiction on or before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

(2)

(3) No expenditure which is not provided for in the estimate as approved by the Tahsildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.

(1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Tahsildar having jurisdiction Annual budget of Panchayets.

(2)

(3) No expenditure which is not provided for in the budget as passed by the Tahsildar shall be incurred without the previous sanction of the Tahsildar.

(1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Tahsildar having jurisdiction Annual budget of Panchayets.

(2) Verbal changes. "passed" is the word used in the previous clause; and includes non-return within a month.

40. Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf. Annual accounts and audit.

40. Accounts of all the receipts and expenditure of every Panchayet shall be maintained every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf. Annual accounts and audit.

Vide Section 34. Provision for the maintenance of accounts is added.

Deputy Commissioner to be Chief Controlling authority.	41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the District.	Deputy Commissioner to be Chief Controlling authority.	41. The Deputy Commissioner of the District shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the District.	
Assistant Commissioner to exercise powers of Deputy Commissioner.	42. The Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that Taluk.	Assistant Commissioner to exercise powers of Deputy Commissioner.	42. Subject to general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that Taluk except those specified in Sections 4, 5, 13, 14, 36A, 45, 52 and 55.	The Assistant Commissioner cannot exercise all the powers of a Deputy Commissioner. Certain sections are proposed to be excluded, from the operation of this section and it is proposed that the Assistant Commissioner, even when exercising the powers of a Deputy Commissioner, does so under the general control of the latter.

(Power of Deputy Commissioners.)	45. The Deputy Commissioner may, by order in writing require any Panchayet in his District to perform any duty - whether obligatory, discretionary or delegated under this Regulation - annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner	
(Power of Deputy Commissioners.)	45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty - whether obligatory, discretionary or delegated under this Regulation - annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.	From" is substituted for "against" as the proper word.
(Inspection of records)	46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.	
(Inspection of records)	46. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions. (2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the District.	Assistant Commissioner is omitted, because under Section 42, he exercises the powers of the Deputy Commissioner. Any other officer has no jurisdiction over Panchayets - and hence his powers of inspection etc., under the authority of the Deputy Commissioner are relegated to a separate clause.

47. The Deputy - Inspection of) Commissioner, the property or -) Assistant Commis- work.) sioner in charge of a taluk or taluks, the Amildar or any other - officer empowered by Government in this behalf, shall, in respect of Panchayets within his - jurisdiction, have power at all times----

(a) to enter on and inspect - or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the - orders of, or any institution controlled by a Panchayet;

(b) to call for and inspect any document which may be for the purpose of - this Regulation in the possession or under the control of a Panchayet;

(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; and may give such advice in respect of the administrative work and proceedings as he thinks fit

47. (1). The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction have power at all times---

(a) to enter on and inspect or cause to be entered on and inspected, any immovable - property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet;

(b) to call for and inspect for the purposes - of this Regulation any document which may be in the possession or under the control of a Panchayet; and

(c) to require the Panchayet to furnish such statements, accounts and reports as he - thinks fit

(2) Any officer authorised by Government in - this behalf may exercise the powers of an Amildar or a Deputy Commissioner as the case may be in respect of a Panchayet or Panchayets.

Vide reasons under Section 46.

A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change proposed.

The portion relating to the giving of advice is proposed to be deleted.

Vide reason give under Sec. 46

60(A) A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet fund.

Panchayet may prosecute

Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.

A provision similar to what exists in Municipal Regulation regarding prosecutions for public nuisances is necessary

Section 61:-

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:-

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules;

(f) regarding the time, place and the conduct of meetings of Panchayets and quorum.-

(f) regarding the time, place and the conduct of meetings of Panchayets.

Quroum is already provided for. (vide Sec.17). Hence it is proposed to be omitted here.

Section 65:-

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

65(2)

When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or sent it to, any one of such owners or occupiers

No remarks.

57(1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, waste or misapplication

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Liability of members for loss, waste or misapplication of property.

57(1) If the Government are satisfied that the loss waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to reimburse it for such loss, waste or misapplication

Section is reaast without altering the sense. Calls for no remarks.

Section 58:-

(2) (a) No Civil Court shall entertain a suit objecting to an assesment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority;

Provided that the provisions of this Regulation have been in substance and effect complied with.

No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority if the provisions of this Regulation have been in substance and effect complied with.

Proviso is more a condition than a proviso. Hence the change.

Section 60 - ~~Sub-Section (1)~~ (1)

Shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 50.

Section 60 - ~~Sub-Section (1)~~ (1)

shall on conviction before a Magistrate be punished with fine which may extend to Rs. 50 ~~etc~~.

'be punished with' is the usual form and is proposed to be substituted for "be liable to.

This clause is recast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, could not be compounded.

(2) (b) Compound for a similar sum any of the offences aforesaid and withdraw from the prosection instituted under this regulation or any rule thereunder.

(2) (b) Compound for a similar sum any of the aforesaid offences which under any law for the time being in force may lawfully be compounded and withdraw from the prosecution instituted under this Regulation or any rule thereunder

55(1) If a dispute arises between a Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final: Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government. (2) If a dispute arises between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.	55(1) If a dispute arises between a Municipal Council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final: Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government. (2) If a dispute arises between a City Municipal Council and a Panchayet or between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.	City Municipal Councils are not subordinate to the Deputy Commissioner. Hence the proposed changes.
N I L.	55(A) Add the following section:- Where a Panchayet has been established under this Regulation for a village or villages under the control of a Sanitary Board constituted under the provisions of the Mysore Mines Regulation, the powers that may be exercised by the Amildar and the Assistant Commissioner under this Regulation, shall be exercised by the Vice-President of the Board, and the powers of the Deputy Commissioner, by the President of the Board. Provided that nothing contained in this Regulation shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics in the area under its control.	vide Section 3 Sanitary Board, K.G.F. has agreed to the constitution of Panchayets for villages under its control, subject to conditions which are detailed in the proposed new section.

50(1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his Taluk or the doing of any act which is about to be done, ir is being done, in pursuance of or under cover of this Regulation, is likely to cause the injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit

Power to suspend execution of orders, etc.

50(1)

If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

'the' is out of place and is proposed to be omitted.

Calls for no remarks.

51(1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his Taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service, or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

Extraordinary powers of an Amildar in case of emergency.

51(1)

In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his Taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

The powers conferred by this section are extraordinary and are to be used only in cases of emergency. Hence it is proposed to limit the exercise of these powers to only cases where the safety of the public is concerned. The Panchayet should be informed of the order.

Appointment of Inspectors.	48. The Government may appoint for each taluk one or more Inspectors of Panchayets to secure better supervision over Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	
Appointment of Inspectors.	48. The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	As the Inspector discharges such functions as are assigned to him, the portion relating to ~~his~~ supervision is proposed to be omitted.
Power to provide for performance of duties in default of Panchayet.	49. (1) (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may, by any order in writing, fix a period for the performance of that duty	
Power to provide for performance of duties in default of Panchaye	49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under Section 19, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.	The powers of an Amildar under this section are proposed to be confined to the non-performance of obligatory duties only.

Inspection of property or work.	47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction, have power at all times----	
	(a) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet;	
	(b) to call for and inspect any document which may be for the purpose of this Regulation in the possession or under the control of a Panchayet;	
	(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; and may give such advice in respect of the administrative work and proceedings as he thinks fit.	
Inspection of property or work.	47. (1). The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction have power at all times---	Vide reasons under Section 46
	(a) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet;	
	(b) to call for and inspect for the purposes of this Regulation any document which may be in the possession or under the control of a Panchayet; and	A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change proposed.
	(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.	The portion relating to the giving of advice is proposed to be deleted.
	(2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner as the case may be in respect of a Panchayet or Panchayets.	Vide reason given under Sec. 46.

---------- (Power of Deputy Commissioners.)	45. The Deputy Commissioner may, by order in writing require any Panchayet in his District to perform any duty - whether obligatory, discretionary or delegated under this Regulation - annul any proceedings ~~xxxxxxx~~ which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner.	---------- (Power of Deputy Commissioners.) 45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty - whether obligatory, discretionary or delegated under this Regulation - annul any proceedings - which he considers ~~not~~ to be in conformity with law and may do all things necessary to secure - such performance~~x~~ or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.	"From" is substituted for "against" as the proper word.
---------- (Inspection of records)	46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf, shall have access to all books, proceedings and records of every Panchayet within their ~~xxxxxxxx~~ respective jurisdictions.	---------- (Inspection of records) 46. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions. (2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the District	Assistant Commissioner is omitted, because under Section 42, he exercises the powers of the Deputy Commissioner. Any other officer has no jurisdiction over Panchayets - and hence his powers of inspection etc., under the authority of the Deputy Commissioner are relegated to a separate clause.

Deputy Commissioner to be Chief Controlling authority.	41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the --- District.	Deputy Commissioner to be Chief Controlling authority.	41. The Deputy Commissioner of the District shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the District.	
Assistant Commissioner to exercise powers of Deputy Commissioner.	*42. The Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that Taluk.	Assistant Commissioner to exercise powers of Deputy Commissioner.	42. Subject to general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that Taluk except those specified in Sections 4, 5, 13, 14, 36A, 45, 52 and 55.	The Assistant Commissioner cannot exercise all the powers of a Deputy Commissioner. Certain sections are proposed to be excluded, from the operation of this section and it is proposed that the Assistant Commissioner, even when exercising the powers of a Deputy Commissioner, does so under the general control of the latter.

39. (1) Every Panchayet shall submit annually to the Amildar Annual budget of Panchayets. having jurisdiction on or before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.	39. (1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Amildar having jurisdiction Annual budget of Panchayets	Verbal changes can be dispensed with for no remarks. Submission of a report of the proceedings of -- Panchayets need not be provided for by regulation.
(2) x x	(2) x x	
(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner	(3) No expenditure which is not provided for in the Budget as passed by the Amildar shall be incurred -- without the previous sanction of the Amildar.	Verbal changes. "Passed" is the word used in the previous clause, and includes non-return within a month.
40. Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this -- behalf. Annual accounts and audit.	40. Accounts of all the receipts and expenditure of every Panchayet shall be maintained every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf. Annual accounts and audit.	Vide Section 34. Provision for the maintenance of accounts is added.

(3) If the taxes or other dues cannot be recovered under sub-sections (1) and (2), the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account certified by a Chairman or an Amildar and after holding such enquiry, if any, as he thinks fit

(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (2), a statement of account shall be prepared by the Amildar and certified by the Assistant Commissioner or by the Deputy Commissioner wherein there is no Assistant Commissioner in charge, for certification. A statement of account so certified shall be conclusive evidence of the existence of the arrears, of the amount due, and of the person who is the defaulter.

On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any District to recover the dues as arrears of land revenue, as if the demand arose in his own District.

(5) ——×——×——×——×——

(6) Every application made under sub-section for the recovery of dues as an arrear of land revenue and every suit filed under sub-section (5) shall be made or filed within three years after the amount.

No proceedings shall be taken under Sub 4 & 5 & no suit shall be instituted under Subsec 5 after three years from the amount become due

As dues arising in one District may have to be recovered in another District, it is proposed that such dues should be certified by an officer of the rank of an Assistant Commissioner as in the Land Revenue Code.

It is also proposed to fix a period of three years within which either a suit is to be filed for recovery of dues or an application made to have the dues collected as arrears of land revenue.

	Provided that in no circumstances shall the Deputy Commissioner -- have power to require the rates of taxes to be increased beyond the -- maxima prescribed.	
	(2) An appeal shall lie to Government against an order of the Deputy Commissioner under this Section	
Section 37. No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in accordance with the rules made m- under this Regulation	37. Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made -- under this Regulation.	Recast so as to put the same thing in the positive form. Calls for no -- remarks.
Section 38.	Section 38.	
(1) x x x	(1)	
(2) The procedure to be followed prior to and during distraint and sale, the properties to be -- exempted from distraint and the disposal of surplus proceeds etc., shall be in accordance with the rules framed in this behalf.	(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar ~~shall~~ may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1)	The order of clauses (2) and (3) is reversed as being more logic logical.
(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall -- recover the same by distraint and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section(1).	(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.	

36

~~Section 35.~~

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess rate or fee is leviable, commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

Nil

360

~~Section 35.~~

x x x

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

(2) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.

Increase of income.

36 A. (1) If at any time in the opinion of the Deputy Commissioner the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under Section 35.

amount

The words 'of such cess' are proposed to be omitted as commutation of payment into labour, is to be permitted in the case of all taxes, rates and fees also levied under this Section

Provision for cancellation of a tax etc., is necessary and is proposed to be made.

Panchayets have got certain obligatory duties to perform under Section 19. They have discretion subject to the maxima to be prescribed by Government, to fix whatever rate they choose to. They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory. To avoid an intentional attempt in this direction, the new section is proposed to be added. It is proposed that such additional taxation should be imposed only by the Deputy Commissioner of the District; and an appeal shall lie to Government. This gives ~~the Vice-President~~ the maxima of autonomy consistent with the safety of the people.

Village Panchayet

...yet to make provision for
...n favour of individuals or
...individuals with the previous
...of the Government.

...shops or places of the e...
...business within its limits and
...courts in the village or village within
...its jurisdiction

(2) The rates of such taxes shall not exceed the maximum that may be prescribed

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals ~~with the previous sanction of the Government~~ and subject to such rules as may be prescribed in this behalf.

...not ...
...prior ...
...rie... x...
...item ...ar
...Its ...
...Sectio... propos... t...
...recast ...inclu... ...t... ite...

(2) Call for no remarks ...ter...
...no change in the sense.

[illegible] VIII of [illegible] all sums of revenue assigned [illegible] Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund" the accounts of which shall be kept in the manner prescribed.	Panchayet fund and its application and investment	54 (1) All sums realised as taxes fees, cesses fines or costs under this regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act 1871 as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund"	[illegible] provision for maintaining accounts is made in Section 40 [illegible] proper section.
(3) The Panchayet Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co-operative Society. A Panchayet may from time to time with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.		(3) The Panchayet Fund shall be lodged in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co-operative Society or Bank or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.	"Invested" would mean that the money may not be withdrawn whenever necessary So it is proposed to be replaced by "lodged". The Panchayets may also be empowered to deposit money in any Bank or in any other manner with the approval of the Deputy Commissioner. Section is recast accordingly.

Section 31, Sub-Section (3)

(3) The Panchayet may by order published at such places as it may think fit prohibit all bahing, washing of clothes and animals, or other acts calculated to pollute the water of the tank, well, stream or water course set apart for drinking or culinary purposes under sub-section (2)

Section 31-Sub Section (3)

(3) The Panchayet may by order published at such places as it may think fit, prohibit—

(a) all bathing, washing of clothes and animals or other acts calculated to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purposes under sub section (2) and

(b) during epidemics the use of any water source for drinking or culinary purpose or for the washing of clothes.

The existing sub-section only provides against pollution of water It is necessary to provide for cases where there may not be pollution, but there may be fear of infection and spread of infection. Sub clause (b) is therefore added.

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances, gratuities, pensions and contributions as the Government may direct.

Officers and servants.

32. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants and shall assign to them such pay allowances, gratuities, pensions and contributions as may be necessary.

As appointments are subject to rules framed by Government, reference to Govt. in the latter portions of the section is omitted.

(a) lay out and make new roads; (b) construct new bridges; (c) divert, discontinue or close any road or bridge. (d) x x x x	(a) lay out and make new roads; (b) construct new bridges; (c) widen, open, enlarge or otherwise improve any road or bridge; (d) (e) x	A fresh clause - re-widening enlarging &c of roads and bridges is proposed to be added - Such a provision exists in Madras Act.
28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.	28. Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be refused except on the ground of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.	'Prescribed' is defined in the Regulation. Hence the words omitted are redundant. There is no indication as to when and on what grounds permission to build can be refused. It is proposed to make it clear that permission can be refused on sanitary grounds only if the site is unsuited for building.
30. (1) If it appears necessary to improve the Sanitary condition of any area within its jurisdiction- (a) the Panchayet shall have power to, (i) construct, alter or remove public drains; (ii) establish burning ghats and burial grounds, & (iii) effect such other improvements as are necessary to improve the sanitary condition of the area. (b) The Panchayet may by a written notice, require within a reasonable period to be specified therein. x x x x	(1) If it appears necessary to improve the Sanitary condition of any area within its jurisdiction, a Panchayet may by a written notice, require within a reasonable period to be specified therein.	The whole Sub-Clause (a) is proposed to be omitted. Sec.26 in conjunction with Sec.19 provides for these matters.
(2) If any work required by a notice under Clause (b) of Sub Sec.(1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub section (1) as if it were a tax imposed under Sec.36.	(2) If any work required by a notice under Sub Section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in Sub Section (1) as if it were a tax imposed under section 35	Consequential changes. Section 36 is not the correct Section. It ought to be Sec.35.

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation 1911, may exercise and discharge.	12 The Govt. may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions of a Panchayet constituted under the Tank Panchayet Regulation, 1911, notwithstanding anything contained in Sec.3 of that Regulation.	A Tank Panchayet is constituted in a special manner under these Sections. It is proposed to entrust the powers and functions of a Tank Panchayet to a Village Panchayet notwithstanding the provisions of the above sections.
23. Subject to the approval of the Govt. any Dist. Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet had got control.	23. Subject to such rules as may be prescribed by the Govt, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.	This is to avoid each case coming up to Govt. for approval. General rules may be framed by Govt. leaving the terms &c. to the bodies concerned.
26. A panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified sections 27,28,29,30,31 and 32.	26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections, 27,28,29,30 31 and 32. Provided that the Panchayet may appoint committees to perform any of these functions.	It is desirable to provide for the appointment of Committees to perform certain functions. The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work.

Discretionary duties. 20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters--

(i) Supply of water for domestic use;
(ii) Enforcement of vaccination;
x x x

(vi) Excavation and maintenance of ponds for animals;
x x

(ix) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade; and

Discretionary duties. 20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, whithin the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters:--

(i) Omit.
(ii) Omit.
(iii) Extension of village sites.
x

(vi) Excavation and maintenance of ponds for the supply of water to animals.

(ix) Development of education, agriculture, co-operation, rural industries and trade; and

(i) Vide sec. 19. Brought under obligatory duties.
(ii) This is the duty of the District Board and hende proposed to be omitted.
(iii) Vide sec. 19. to be treated as optional duty.

(vi) The addition calls for no remark

(ix) 'Development' is an appropriate word. There can be no economic improvement of education and like matters and co-operation is also included.

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.

Transfer of village forest to Panchayets

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of village Forests, whether reserved for fuel and fodder or for other purposes.

Power is taken to transfer control over grazing the hulbanni and gomal lands, if ~~found desi~~ found desirable.

	(2) The quorum for a meeting of the Panchayet shall be not lees than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet it shall be a [redacted] majority of the Votes in the hamlet (3) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting.	Questions are to be decided by a majority of votes. This matter may not be left to rules, as also the quorum for meetings. Hence the proposed additions.
Obligatory duties.	Obligatory duties.	
19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:-	19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:-	
(iv) Extension of Village sites and regulation of buildings.	(iv) Regulation of buildings.	Extension of village sites is proposed to be included in the optional duties.
	(xii) Supply of water for domestic use.	This item is proposed to be brought under obligatory duties.

Secretary for Panchayet.

10. Subject to such rules as may be made by Government in this behalf, every Panchayet shall appoint a Secretary from among its members.

Secretary for Panchayet.

10. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed.

Appointment of a Secretary should be optional and his duties should be fixed.

Term of Office of Panchayetdar or Chairman.

11. Except as is otherwise provided in any other law for the time being in force, members of panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner shall think fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of Office of a chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.

Term of Office of Panchayetdar or chairman.

11. Except as is otherwise provided in this Regulation members of Panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner thinks fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a chairman shall be coterminous with or be the residue of his term of office as a Panchayetdar.

The words "or in any other law for the time being in force" are irrelevant and are proposed to be omitted.

"thinks fit" is substituted for "shall think fit" as more appropriate.

Removal of Members.

13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed, under this regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.

Removal of members.

13. The Deputy Commissioner, may on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be final.

As the removal is on the recommendation of a Panchayet and the member has opportunity to be heard, the decision of the Deputy Commissioner should be final.

14. The Deputy Commissioner shall remove a chairman from his office for misconduct or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.

Removal of Chairman.

14. The Deputy Commissioner may after giving him an opportunity of being heard and after such enquiry as he deems necessary, remove a chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty or for any disgraceful conduct. An appeal shall lie to Government from the order of the Deputy Commissioner in this matter.

Power to remove a chairman should be discretionary & not obligatory. The chairman should be given an opportunity to state his case & if necessary, an enquiry should

Every person who

(a) has completed 21 years of age;

(b) is a resident of the village or villages for which a panchayet is to be established;

(c) was, during the year immediately preceding the election of members of the Panchayet, - assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and hittals within the village; and

(d) is not subject to any of the disqualifications mentioned in Section 7;

shall be entitled to vote at an election of members of the Panchayet.

Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.

Disqualification of voters.

7. No person may vote,

(a)

(b)

(c) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,

(d) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or

(e) who has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1904.

7

Qualifications of voters.

6. Every person who is a resident of a village and has completed the age of twenty years shall be entitled to vote at an election of members of the Panchayet unless disqualified.

(a) As the number of cases [illegible] under adult suffrage a system may be devised by which a panel of persons may be prepared for one or more villages and from each panel a specified number of persons may be selected to form each Panchayet.

(b) No person may vote -

(a)

(b)

(c) who is convicted by a criminal court for an offence punishible with imprisonment for a term exceeding six months, such conviction not having been subsequently reversed or

(d) who

(e) Provid[illegible] in cl[illegible] opera[illegible] the d[illegible] or ad[illegible] tion [illegible] rate [illegible] ing w[illegible]

(a) In Bombay and Madras it is proposed to give every adult right to vote so long as he is a resident of the village. 21 years is taken as the age of an adult rather than 25 which is adopted in - Madras & Bombay and ~~so-~~ ~~nies~~ are also allowed to women vote.

(b) The Committee consider that in view of the disqualification to the right of the House and the actual practice the provided for the Bombay and Madras Legislatures the Committee recommend that

(c) The select committee is of opinion that the nature of the offence is a more accurate index of character as judged by the laws of any country than [illegible] awarded or suf-

Nil

54. If two-thirds of the number of voters in a village included within the limits of any village Panchayet having jurisdiction over more than one village elect to be included within the limits of any other village Panchayet, such village may with the consent of the latter Village Panchayet be so included and after a period of five years may similarly be included in another Village Panchayet.

(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to ~~be a~~ hamlet it ~~shall~~ may be constituted ~~into a hamlet~~ and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation.

(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a hamlet.

As Village Panchayets are to have perpetual succession it is necessary to provide for changes that may be necessary in the course of time.

Provision is proposed to be made to allow a village the choice to get out of one Panchayet and be included in another. This may become necessary for various causes.

Provision is also proposed to be made to allow a Village to separate itself and manage its own affairs. In Malnad particularly this may be a necessity.

A hamlet is proposed ~~to be able~~ to join a Village ~~[illegible] with the~~ consent of the latter, after the expiry of five years.

These proposals are intended to ~~help self-determination but not too frequently~~ ~~[illegible]~~ ~~have~~ give effect to the wishes of the Panchayet villagers from time to time

(2)Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village

(3) The members of the Panchayet may be --

(i) either wholly elected by the residents of the village;

or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

x x x x x

(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.

6.

(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.

(3) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be --

(i) either wholly elected by the residents of the village or villages,

or

(ii) partly elected and partly nominated

(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.

(2) Only the elected eliment in each village need be determined by the Deputy Commissioner. Any ~~irregularities~~ irregularities will be set right by nomination.

(3) Residence in the village or group of villages is proposed to be prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both sub-clauses (i) and (ii) and hence are proposed to be removed from (ii) and inserted at the beginning of (3).

(5) "Qualified" is unnecessary and "required" is a more ~~approximate~~ appropriate word than "full". A nominated member cannot be an elected member but can only be treated as an elected member in regard to rights and privileges &c. Hence the change proposed.

Establishment and incorporation of Panchayets.

4.(1) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.	.4(1). In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.	."Adjacent" is proposed to be replaced by "adjoining" as the correct word.
x x x x x x x x x x		
(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding a property, outside its limits, subject as such acquisition &c is to the rules framed by the Government. Section is recast accordingly. This is in accordance with the corresponding provision in the D.B. bill.

Strength of the Panchayets and the Election or nomination of Members.

5.(1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.	5.(1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.	(1) Fixing of the strength a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is proposed to be raised to 7, as otherwise the quorum which is fixed at 5 in Sec.17 will be equal to the total strength.

persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(4) "panchayetdar" means a member of a Panchayet;

(5) "prescribed" means prescribed by the rules made under this Regulation

(6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of Yelandur and Sringeri;

(7) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Comissioner of a District;

(8) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, 1925;

(9) "Amildar" includes a Deputy Amildar.

land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(4) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, [illegible];

(5) "Hamlet" means a village, the village Panchayet of which consists of all the voters of the Village as provided in Section 5 (A);

(6) "Panchayet" means the body of persons consituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(7) "Panchayetdar" means a member of a Panchayet;

(8) "Prescribed" means prescribed by the rules made under this Regulation;

(9) "Taluk" includes a sub-Taluk;

(10) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes a Dhakle village and an alienated village, but shall not include a local area constituted into a Municipality.

(11) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

being applied to -- villages under its control and Government have power under Section 2 to apply the Regulation to only such portion of the --- District as it deems fit.

district: (b) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation;	Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.	The portion relating to recovery of dues in (b) should logically come after and form part of clause (c). This is also effected in the section as recast.
(c) when in consequence of the repeal of the enactments referred to in sub-section (a) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.	(2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.	'Recovered' is substituted for 'realised', as being more correct.
3. In this Regulation, unless there is something repugnant in the subject or context,	3. In this Regulation, unless there is something repugnant in the subject or context,	The definitions are arranged in alphabetical order. Two more definitions are added and the definition of 'Village' is added to so as to include a 'dakl' village. The portion relating to a Sanitary Board and the Jahagirs in the definition of 'village' is left out as the Sanitary Board has no objection to the Regulation -
INTERPRETATION.	INTERPRETATION.	
(1) "building" includes a house, shop, warehouse, workshop, hut and shed; (2) "village forest" means a forest constituted as such under the Mysore Forest Regulation; (3) "Panchayet" means the body of	(1) "Amildar" includes a Deputy Amildar. (2) "building" includes a house, shop, warehouse, workshop, hut and shed; (3) "District" means any local area which, for the purposes of the collection of	

Provision in the Bill	Provision as altered by the S elect Committee.	Reasons for the change.
~~Whereas it is expedient to make better provision for the administration of Village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State~~; It is hereby enacted as follows:-	(There was a discussion to alter the preamble, as 'Village A ffairs' was not considered a suitable term. No decision was arrived at. The idea was to reconsider the matter after finishing the bill.) PREAMBLE.	
1. This Regulation may be called the Mysore Village Panchayet Regulation, 1925. SHORT TITLE.	1. (1) This Regulation may be called the Mysore Village Panchayet Regulation, SHORT TITLE.	The year will be entered when the Bill is to be passed.
2. x x x	(2) x x x	
3. x x x	(3) x x x	
	Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any District or part of a District as prescribed in this Regulation for the purposes of the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that District or part of District	This is to provide for elections before the Regulation is introduced in any area, so that a Panchayet may be established as soon as the Regulation is brought into force in the area. Otherwise there will be an interregnum.
2. On and from the date on which this Regulation comes into force in any district or part of a district, (a) the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district;	2.(1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore V illage Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a REPEAL.	Clause (b) is really a proviso to clause (a) and clause (e) isan independent clause. The section is recast to bring this about.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill.

****

We the members of the Select Committee appointed to consider the Village Panchayet Bill met and considered the Bill at 4 sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(Sd). M. Ramachandra Rao.

B. Nagappa.

C. S. Balasundaram Iyer.

S. Hiriannaiya.

D. H. Chendrasekharaâya.

K. P. Puttanna Chetty.

H. Chennaiya.

Mahomed Abbas Khan.

K. Matthan.

B.- Narasinga-Rao.

K. Chandy (Chairman)

60 ~
Dr 60 ~
15/12/25

Office of the Secretary, Legislative Council

No. 3403/Misc. Bangalore, Dated 11th D e c e m b e r 1925.

N o t i f i c a t i o n.

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Village Panchayet Bill is published for general information with the Bill as amended by them.

By Order,

R. Ranganathan

S e c r e t a r y,
Mysore Legislative Council.

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette in English and Kannada and for supplying 150 ~~copies~~ spare copies in English and 50 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

N I L.	60(A) A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet fund. Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence. (Panchayet may prosecute)	A provision similar to what exists in Municipal Regulation regarding prosecutions for public nuisances is necessary
Section 61:- (2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:-	(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules;-	
* * * (f) regarding the time, place and the conduct of meetings of Panchayets and quorum.-	(f) regarding the time, place and the conduct of meetings of Panchayets.	Quroum is already provided for. (Vide Sec.17). Hence it is ~~proposed to be~~ omitted here.
* * * Section 65:-(1) x x x (2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.	65 (1) x x x x (2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or sent it to, any one of such owners or occupiers.	No remarks.

57(1)

(1) ~~If~~ after giving the member concerned sufficient opportunity for showing cause to the contrary the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, ~~xx~~ waste or misapplication.

Liability of members for loss, waste or misapplication of property.

97 The Government are satisfied that the loss waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, ~~it~~ may, after giving the Panchayetdar a sufficient oppertunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed ~~by~~ the amount required to reimburse it for such loss, waste or misapplication.

they

~~Section~~ the clause is recast without altering the sense. Calls for no remarks.

~~Section 58.~~

58 (2) (a) No Civil Court shall entertain a suit objecting to an assesment, demand or charge made or imposed under this Regulation or for the recovery of any sucm of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority;

Provided that the provisions of this Regulation have been in substance and effect complied with.

58(2)

(a) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority if the provisions of this Regulation have been in substance and effect complied with.

Proviso is more a condition than a proviso. Hence the change.

60(1) ~~Section 60 (1) Sub-Section (1)~~

Shall on conviction before a Magistrate be liable to a fine not exceeding Rs. ~~50~~;

60(1)

shall on conviction before a Magistrate be punished with fine which may extend to Rs. ~~50~~;

'be punished with' is the usual formula and is ~~proposed to be~~ substituted for "be liable to". ~~This clause is~~ recast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, could not be compounded.

(2) (b) Compound for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted under this regulation or any rule thereunder.

(2) (b) Compound for a similar sum any of the aforesaid offences which under any law for the time being in force may lawfully be compounded and withdraw from the prosecution instituted under this Regulation or any rule thereunder.

52(1) If a Panchayet is not competent perform, or, persistently makes defaul in the performance of, the duties imposed on it by or under this Regulation or otherwise bylaw, or exceeds or abuses its powers, the Deputy Commissioner having jurisdiction may, by an order published, with the reasons for making, it, in the Official Gazette, declare the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supercede it for a period to be specified in the order.

(2) * * *

(3) " * *

Power to supersede Panchayet in case of incompetency default or abuse of powers.

[redacted]

52(1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under any law, or this Regulation or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may after giving such Panchayet an opportunity of being heard, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) ** * *

(3) * * *

(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

~~It is proposed to give the~~ Panchayet an opportunity to state its case.

When a Panchayet is superseded an appeal should lie to Government. Hence the ~~proposed~~ addition.

Appeals

53(1) Save as otherwise provided for in this Regulation, an appeal shall lie -- against an order of --

(a) the Panchayet in a Taluk to the Amildar of the Taluk;

(b) the Amildar, to the -- Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(c) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within fifteen days of the date of the order.

Appeal.

(2) The decision of the Deputy commissioner shall be final.

53(1) Save as otherwise provided for in this Regulation, an appeal shall lie from an order of --

(a) the Panchayet in a Taluk to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge;

(b) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within thirty days of the date of the ~~order; and~~ order and ~~shall be preferred within~~

(~~2~~) The decision of the Deputy commissioner shall be final. ~~Except~~

(2) Appeals to Government when expressly allowed under this Regulation shall be preferred within ninety days of the order of the Deputy commissioner and the decision of the Government shall be final.

~~Calls for no remark.~~

As the Amildar generally controls the actions of the Panchayet and may be a party to any order of the Panchayet ~~is to proposed that~~ appeals from ~~for~~ the orders of a Panchayet should lie to the Assistant Commissioner. The number of appeals is also curtailed and period of limitation is also extended to 30 days.

No limitation is prescribed for preferring appeals to Government. Hence the addition.

[Power to suspend execution of orders etc.]

50(1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his Taluk or the doing of any act which is about to be done, ir is being done, in pursuance of or under cover of this Regulation, is likely to cause the injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for makingit, and it shallbe in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

50(1)

If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

'the' is out of place and is proposed to be omitted.

Calls for no remarks.

51(1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his Taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service, or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

51(1)

In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

The powers conferred by this section are extraordinary and are to be used only in cases of emergency. Hence it is proposed to limit the exercise of these powers to only cases where the safety of the public is concerned. The Panchayet should be informed of the order passed.

[Extraordinary powers of an Amildar in case of emergency]

~~Appointment of Inspectors.~~ 48. The Government may appoint for each taluk one or more Inspectors of Panchayets to secure better supervision over -- Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	Appointment of Inspectors. 48. The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	As the Inspector discharges such functions as are assigned to him, the portion relating to his supervision is ~~proposed to be~~ omitted.
~~Power to provide for performance of duties in default of Panchayet.~~ 49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may, by any order in writing, fix a period for the performance of that duty.	Power to provide for performance of duties in default of Panchayet. 49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under Section 19, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty	The powers of an Amildar under this ~~section are proposed to~~ be confined to the non-performance of obligatory duties only.

47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction, have power at all times----

(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet;

(b) to call for any inspect any document which may be for the purpose of this Regulation in the possession or under the control of a Panchayet;

(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; and may give such advice in respect of the administrative work and proceedings as he thinks fit.

47. (1). The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction have power at all times---

(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet;

(b) to call for and inspect for the purposes of this Regulation any document which may be in the possession or under the control of a Panchayet; and

(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.

(2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner as the case may be in respect of a Panchayet or Panchayets.

Vide reasons under clause 46.

A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change, ~~proposed~~.

The portion relating to the giving of advice is ~~proposed to be~~ deleted.

Vide reason given under ~~Sec. 46~~. clause 46.

~~Inspection of property or work.~~	47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction, have power at all times----	
	(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet;	
	(b) to call for and inspect any document which may be for the purpose of this Regulation in the possession or under the control of a Panchayet;	
	(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; and may give such advice in respect of the administrative work and proceedings as he thinks fit.	
Inspection of property or work.	47. (1). The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction have power at all times---	Vide reasons under ~~Section~~ clause 46.
	(a) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet	
	(b) to call for and inspect for the purposes of this Regulation any document which may be in the possession or under the control of a Panchayet; and	A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change, ~~proposed.~~
	(c) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit.	The portion relating to the giving of advice is ~~proposed to be~~ deleted.
	(2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner as the case may be in respect of a Panchayet or Panchayets.	Vide reason given under ~~Sec. 46.~~ clause 46.

~~Power of Deputy~~ Commissioners.	45. The Deputy Commissioner may, by order in writing require any Panchayet in his District to perform any duty - whether obligatory, discretionary or delegated under this Regulation - annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner.	
Power of Deputy Commissioners.	45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty - whether obligatory, discretionary or delegated under this Regulation - annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.	"From" is substituted for "against" as the proper word.
~~Inspection of records~~	46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.	
Inspection of records	46. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions. (2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the District	'Assistant Commissioner' is omitted, because under ~~Section~~ clause 42, he exercises the powers of the Deputy Commissioner. Any other officer has no jurisdiction over Panchayets and hence his powers of inspection etc., under the authority of the Deputy Commissioner are relegated to a separate ~~clause~~.

~~Deputy Commissioner to be Chief Controlling authority.~~	41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the --- District.	
Deputy Commissioner to be Chief Controlling authority.	41. The Deputy Commissioner of the District shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the District.	~~Section~~ Calls for no remark.
~~Assistant Commissioner to exercise powers of Deputy Commissioner.~~	42. The Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that Taluk.	
Assistant Commissioner to exercise powers of Deputy Commissioner.	42. Subject to general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that Taluk except those specified in Sections 4, 5, 13, 14, 36A, 45, 52 and 55.	The Assistant Commissioner cannot exercise all the powers of a Deputy Commissioner. Certain sections are ~~proposed to be~~ excluded from the operation of this section and ~~it is proposed that the~~ Assistant Commissioner, even when exercising the powers of a Deputy Commissioner, does so under the general control of the latter.

[illegible] to the [illegible] of [illegible] jurisdiction. [illegible] prepare [illegible] receipts and [illegible] report of the [illegible] official [illegible] to the [illegible] jurisdiction [illegible] for no report of the [illegible] Panchayets need not vided for by regulation.

(2)

(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.

(3) No expenditure which is not provided for in the Budget as passed by the Amildar shall be incurred without the previous sanction of the Amildar.

Verbal changes. 'Passed' is the word used in the previous sub-clause; and includes ~~non-return within a month~~. Cases in which Budgets are not passed by the Amildar within a month.

40. Accounts of all the receipts and expenditure of ~~Annual accounts and audit~~. every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

40. Accounts of all the receipts and expenditure of every Panchayet shall be maintained for every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

Annual accounts and audit.

Vide ~~Section~~ clause 34. Provision for the maintenance of accounts is added.

and such statement when certified by the Deputy commissioner

(4) if the arrear or part thereof cannot be recovered under sub-section (2) a statement of account shall be prepared by the Collector and forwarded to the Collector of the district in which the property or person from whom the arrear is due is situated, and upon receipt of such statement it shall be lawful for the Collector of such district to recover the arrear as an arrear of land revenue, on receipt of such statement certified by the Collector of the district in which the property or person from whom the arrear is due is situated, as to the existence of the arrear, or the amount due, as the case may be, in the manner provided in this behalf.

(5) Every application made under the sub-section for the recovery of any arrear of land revenue and every suit filed under sub-section (3) shall be made or filed within three years after the arrear became due.

(6) No proceedings shall be taken under sub-section (4) and no suit shall be instituted under sub-section (5) more than three years after the amount became due.

A period of three years is fixed for the institution of a suit for recovery of dues or for their recovery as an arrear of land revenue

Objection in respect of liability to assessment

Section 37.

37. No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in -- accordance with the rules made ~~x~~ under this Regulation.

Section 38.

38 (1) x x x

(2) The procedure to be followed prior to and during distraint and sale, the properties to be -- exempted from distraint and the disposal of surplus proceeds etc., shall be in accordance with the rules framed in this behalf.

(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall -- recover the same by distraint and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section(1)

Provided that in no circumstances shall the Deputy Commissioner -- have power to require the rates of taxes to be increased beyond the -- maxima prescribed.

(2) An appeal shall lie to Government against an order of the Deputy Commissioner under this Section

37.

37. Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made -- under this Regulation.

Section 38.

38 (1) x x x

(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).

(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.

The section is recast so as to put the same thing in the positive form. Calls for no remarks.

The order of sub-clauses (2) and (3) is reversed as being more logical.

~~Section 36~~.

~~36(1)~~ 36 x x x

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

Nil

~~Section 36~~.

~~36(1)~~ 34(1) x x x

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

(2.) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.

Increase of income.

36 A. (1) If at any time in the opinion of the Deputy Commissioner the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to ~~such a figure~~ such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under Section 35.

The words 'of such cess' are -- ~~proposed to be~~ omitted as commutation of payment into labour, is to be permitted in the case of all taxes, rates and fees, ~~also levied under this Section~~ leviable under this clause.

Provision for cancellation of a tax etc., is necessary. ~~And is proposed by this Act~~.

Panchayets have got certain obligatory duties to perform under ~~Section~~ clause 19. They have discretion subject to the maxima to be prescribed by Government, to fix whatever rate they choose. They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory To avoid an intentional attempt in -- this direction, the new clause is -- ~~proposed to be~~ added. ~~It is proposed that~~ Such additional taxation should be imposed only by the Deputy Commissioner of the District; and an appeal ~~shall~~ lie to Government. This gives the ~~Village Panchayets~~ the maximum of -- autonomy consistent with the safety of the people under the orders of

...I ... vacant ... ...ved subj... ...ecting ... ...scribed.

Provided that it shall be competent the Panchayet to make provision for ...emptions in favour of individuals or ...ass of individuals with the previous ...nction of the Government.

16 Levy of taxes

37(1) Every Panchayet shall levy in the manner prescribed a tax on all houses shops or places of trade or business vacant sites, hittals and carts in the village or villages within its jurisdiction.

(2) The rates of such taxes shall ~~xx~~ not exceed the maxima that may be prescribed.

(3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals ~~with the previous sanction of the Government~~ subject to such rules as may be prescribed in this behalf.

(1) Shops do not include places where any profession or similar business is carried on. Tax on carts is one of the items of Mohatarfa now collected and its omission perhaps is accidental. ~~This clause is proposed to~~ recast to include both the items.

(2) Calls for no remarks as there is no change in the sense.

It is not necessary that ~~for the Government to sanction each~~ individual case for exemption should come up before. Exemptions may be made subject to the rules prescribed.

34 (1) All sums realised as taxes fees, cesses fines or costs under this regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871 as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund".

x

(2) The Government may by general or special order assign any specific revenue or make any grant to the "Panchayet Fund".

The last 11 words is made ~~section~~ clause 40 which is the proper ~~section~~ clause

A new ~~section~~ clause is added as the committee considers it desirable to have a ~~section~~ provision for the assignment/making of revenue or grants by Government.

Panchayet fund and its application and investment

Nil

(2) The Panchayet Fund shall be administered

(3) The Panchayet Fund shall be administered

x x x

27. The Panchayet ~~x x x~~ among ~~x~~

(a) ~~lay out and make new roads;~~
(b) construct new bridges;
(c) divert, discontinue or close any road or bridge.

(a) ~~x~~ ~~x~~ ~~x~~ ~~x~~

28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet.

Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

Power as to sanitation, conservancy and drainage

30. (1) If it appears necessary to improve the Sanitary condition of any area within its jurisdiction-

(a) the Panchayet shall have power to,
i) construct, alter or remove public drains;
ii) establish burning ghats and burial grounds,&
iii) effect such other improvements as are necessary to improve the sanitary condition of the area.

(b) The Panchayet may by a written notice, require within a reasonable period to be specified therein.-

~~x~~ ~~x~~ ~~x~~

(2) If ~~the~~ any work required by a notice under Clause (b) of Sub Sec.(1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub section (1) as if it were a tax imposed under ~~Sec.36~~. Section 3 b,

27 ~~The Panchayet~~ ~~x x x~~ among -

(a) ~~lay out and make new roads~~; Sub-s. 3 (3).
(b) construct new bridges;
(c) widen, open, enlarge or other wise improve any road or bridge;
(a) ~~bridge~~ divert, discontinue or close any road or bridge;
(b) ~~x~~ ~~x~~ ~~x~~ ~~x~~

A fresh clause re widening / enlarging &c of roads and bridges is ~~proposed to be~~ added. Such a provision exists in ~~Madras~~ the Madras Act.

28. Subject~~x~~ to such rules as may be prescribed no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be ~~refused~~ for the reason refused except ~~on the ground~~ of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

'Prescribed' is defined in the Regulation Hence the words omitted are redundant.

There is no indication as to when and on what grounds permission to build can be refused. It is ~~is proposed to make it~~ clear that permission can ~~only~~ be refused ~~on Sanitary grounds~~ only if the site is unsuited for building on sanitary grounds.

30(1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction a Panchayet may by a written notice, require within a reasonable period to be specified therein.-

~~x~~ ~~x~~ ~~x~~ ~~x~~

The whole ~~Sub Clause~~ part (a) of Sub clause (1) is ~~proposed to be~~ omitted. ~~Sec~~ Sec.26 in conjunction ~~with Sec~~ with clause (c) Sec.19 provides for these matters.

(2) If any work required by a notice under Sub Section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in Sub Section (1) as if it were a tax imposed under section 35.

Consequential changes.

"Section 36" is not the correct Section. It ought to be ~~Sec.35.~~ 35

Vesting Panchayets with functions under the Tank Panchayet Regulation

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation 1911. may exercise and discharge.

Institutions or works may be transferred to Panchayet

23. Subject to the approval of the Govt. any Dist. Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control.

24. The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to such rules or orders as may be passed from time to time.

Panchayet to exercise powers of school committees and manage Minor Mazrai Institutions.

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22 The Govt. may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions of a Panchavet constituted under the Tank Panchayet Regulation, 1911 notwithstanding anything contained in Section 3 of that Regulation.

23. Subject to such rules as may be prescribed by the Govt, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.

24. The Government may, by a general or special order, entrust the management of minor muzrai institutions

Of the Tank Panchayets Regulation

A Tank Panchayet is constituted in a special manner under Sections 8 & 9 of the Tank Panchayets Regulation. The powers and functions of a Tank Panchayet may be entrusted to a Village Panchayet notwithstanding the provisions of the said sections.

This is to avoid each case, coming up, to Govt. for approval. General rules may be framed by Govt. leaving the terms &c. to the bodies concerned.

No rules are needed for the transfer of the management of Muzrai Institutions or Supervision over Schools. The transfer may

... in the area under the control of any Panchayet to such Panchayet and prescribe such rules as may be necessary for their management

... good. Rule, maybe necessary as regards the directions to be observed during management or supervision. The Clause is modified accordingly

General power

26. A panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified sections 27,28,29,30,31 and 32.

6. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections,27,28,29,30 31 and 32. Provided that the Panchayet may appoint committees to perform any of these functions.

It is desirable to provide for the appointment of Committees to perform certain functions. The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work.

~~Discretionary~~ 20. Subject to such rules as may ~~duties.~~ be prescribed in this behalf, the ~~Panchayet~~ may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters--

(i) Supply of water for domestic use;
(ii) Enforcement of vaccination;
x x x

(vi) Excavation and maintenance of ponds for animals;
x x x

(ix) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade: and

x x x

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.

Discretionary duties. 20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, whithin the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters:--

(i) Omitted
(ii) Omitted
(iii)(iii) Extension of village sites.
x x x

(v)(vi) Excavation and maintenance of ponds for the supply of water to animals.

x x x

(vii)(ix) Development of education, agriculture, co-operation, rural industries and trade; and

x x x

Transfer of village forests to Panchayets.

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of village Forests whether reserved for fuel and fodder or for other purposes.

Transfer of grazing and Forests to Panchayets

(i) Vide sec. 19. Brought under obligatory duties.
(ii) This is the duty of the District Board and hence proposed to be omitted.
(iii) Vide sec. 19. to be treated as optional duty.

(vi) The addition calls for no remark.

(ix) 'Development' is an appropriate word. There can be no economic improvement of education and like matters, and co-operation is also included, and hence the change: co-operation is also included.

Power is taken to transfer control over grazing in hulbanni and gomal lands, if found desirable.

Quorum

(2) The quorum for a meeting of the Panchayet shall be not less than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet it shall be a ~~bare~~ majority of the voters in the hamlet

Questions to be decided by majority of votes

(3) Except as otherwise provided, all questions before a Panchayet shall be decided by a majority of the votes of the members present and voting

Questions are to be decided by a majority of votes. This matter may not be left to rules, as also the quorum for meetings. Hence the proposed additions of two more sub-clauses after sub-clause (1)

(2) x x x

(3) x x x

~~Obligatory duties.~~

(4) x x x

(5) x x x

Obligatory duties.

19. It shall be the uty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:-

19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:-

~~(i) construction, repair and maintenance of~~

(i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges;

(i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges, not including those under the control of any other local body or of Government;

The roads & bridges which a Panchayet shall be in charge of are defined.

(iv) Extension of Village sites and regulation of buildings.

(iv) egulation of buildings.

Extension of village sites ~~is proposed to be included~~ in the optional duties of Panchayets brought under

x x x

(xii) Supply of water for domestic use.

This item is ~~proposed to be brought under~~ brought under obligatory duties of Panchayets.

(Filling of casual vacancies) 9

8. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office ~~so long as the Chairman or Panchayetdar shall hold office~~ so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secy. shall be in charge of the office of the Chairman during a casual vacancy, pending the appoitment or election of a new chairman.	16. When the office of a Chairman or Panchayetdar become vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated ~~elected or nominated~~ as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary if any or any member selected by the Panchayet shall be in charge of the office of the Chairman during a casual vacancy and pending the appointment or election of a new Chairman.	The addition made is necessary as the appointment of a Secy. is only optional, Vide change proposed in Sec.10.

Business how transacted.

17. (1) A Panchayet shall meet for the transaction of business at such time and place, and follow such procedure as may be prescribed.	18. (1) A Panchayet shall, in the transaction of business, follow such procedure as may be prescribed.	general rules prescribing the time and place where the meetings are to be held are sufficient and hence the change.

Secretary for Panchayet.

10. Subject to such rules as may be made by Government in this behalf, every Panchayet shall appoint a Secretary from among its members.

Secretary for Panchayet.

10. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed.

Appointment of a Secretary should be optional and his duties should be fixed.

Term of Office of Panchayetdar or Chairman.

11. Except as is otherwise provided in any other law for the time being in force, members of panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner shall think fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of Office of a chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.

Term of Office of Panchayetdar or chairman.

11. Except as is otherwise provided in this Regulation members of Panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding the aggregate four years, if on any occasion, the Deputy Commissioner thinks fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a chairman shall be coterminous with or be the residue of his term of office as a Panchayetdar.

The words "or in any other law for the time being in force" are irrelevant and are proposed to be omitted

"thinks fit" is substituted for "shall think fit" as more appropriate.

Removal of Members.

13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed, under this regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.

Removal of members.

13. The Deputy Commissioner, may on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be final.

As the removal is on the recommendation of a Panchayet and the member has opportunity to state his case, the decision of the Deputy Commissioner should be final.

14. The Deputy Commissioner shall remove a chairman from his office for misconduct or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.

Removal of Chairman.

14. The Deputy Commissioner may after giving him an opportunity of being heard and after such enquiry as he deems necessary remove a chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty or for any disgraceful conduct. An appeal shall lie to Government from the order of the Deputy Commissioner.

Power to remove a chairman should be discretionary & not obligatory. The chairman should be given an opportunity to state his case if necessary.

(d) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or

(e) × × ×

(d) who is adjudicated an insolvent; or

(e) ×

Only an adjudged insolvent should be disqualified and not one who merely applies for insolvency.

Provided that the disqualification

(1) under Clause (b) will cease to operate after the expiry of three years from the date of such removal,

(2) under clause (c) will, in the case of a person sentenced to a fine only or to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in an other

(3) ~~in all other~~ cases after three years after the expiry of the sentence.

Vide reason against sub-clause (c) above.

(3) ~~Cl.~~ (e) will cease to operate after expiry of the period during which the person is ordered to furnish security.

(e) The period during which security is ordered to be furnished should be the period of disqualification in this case.

Every person who -
(a) has completed 21 years of age;
(b) is a resident of the village or villages for which a panchayet is to be established;
(c) was, during the year immediately preceding the election of members of the Panchayet, - assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and hittals within the village; and
(d) is not subject to any of the disqualifications mentioned in Section 7;

shall be entitled to vote at an election of members of the Panchayet.

Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.

Qualifications of voters.

6. Every person who is a resident of a ~~the~~ village and has completed ~~the~~ twenty ~~first year shall be entitled to vote at an election of members of the Panchayet.~~ twenty one years of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless disqualified.

(may be given)

...a in Bombay and Madras it is proposed to give every adult right to vote so long as he is a resident of the village. 21 years is taken as the age of an adult rather than 25 which is adopted in Madras & Bombay. ~~and in other~~ are also allowed to vote. ~~in Report.~~ The right to vote could be exercised only when the person is not otherwise disqualified.

Disqualification of voters.

7. ~~(a)~~ ~~(b)~~ No person may vote,

(c) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,

7 No person may vote -
(a) x x x x
(b) x x x x
(c) who is convicted by a Criminal court of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently reversed or the offence pardoned; or

(c) ...prison

The committee considered that in prescribing the period of disqualification both the nature of the offence and the actual punishment awarded should be taken into consideration as the number of cases likely to require exemption under a system of adult suffrage under the T. P. Rejn might be very large a genuine is considered preferable to one involving reference to government in each case. ~~as in the case of Bombay~~

And it is proposed to make the period of disqualification ~~three~~ more than three months for persons who suffer imprisonment for more than three months ~~or the offence~~ ~~concerned~~ ~~for those~~ for those who are ~~convicted~~ sentenced only to a fine or imprisonment for not more than 3 months. In the Bombay Boards ~~Bill~~ the Select Committee proposes to give the power to exempt at an earlier period than 3 years; but

Conditions under which a village may be included in another Panchayet etc.

Jurisdiction of Panchayets over villages to be limited or extended in certain cases

5A.

Nil

5A. If two-thirds of the number of voters in a village included within the limits of any village Panchayet having jurisdiction over more than one village elect to be included within the limits of any other village Panchayet, such village may with the consent of the latter Village Panchayet be so included and after a period of five years may similarly be included in another Village Panchayet.

not less than

Hamlets

(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to ~~be a hamlet it shall be constituted into a hamlet~~ and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation.

have their village constituted into a hamlet it may be so

(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a hamlet.

As Village Panchayets are to have perpetual succession it is necessary to provide for changes that may be necessary in the course of time.

Provision is made to allow the inhabitants of a village the choice to get out of the jurisdiction of a Panchayet and be included in that of another. This may become necessary for various causes. Provision is also made to allow the inhabitants of a village to separate themselves and manage their own affairs. In the Madras particularly, this may be a necessity. A hamlet that has separated should have power to rejoin a Village Panchayet with the consent of the latter after the expiry of 5 years. The changes are made in order to give effect to the wishes of the villagers from time to time; & not too frequently

(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village.

(3) The members of the Panchayet may be --

(i) either wholly elected by the residents of the village;

or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

x x x x x

(4) x x x

(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.

---

(2) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be ---

(i) either wholly elected by the residents of the village or villages,

or

(ii) partly elected and partly nominated. x x x

(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.

(4) x x x

(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.

Sub-clause (3) should precede sub clause (2) as it defines the constitution

(2) Residence in the village or group of villages is ~~proposed to be~~ prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both ~~the sub clauses~~ (i) and (ii) and hence are ~~proposed to be removed from~~ (ii) and inserted at the beginning of (3) of the sub-clause.

in order that every constituent village may have representation. nominations are intended chiefly to safeguard the interests of minorities not adequately represented by election.

(3) the elected element in each village ~~will~~ be determined by the Deputy Commissioner ~~irregularities will be set right by revision~~

~~in a~~

the word

(5) "qualified" is unnecessary and "required" is a more ~~approximate~~ appropriate word than "full". A nominated member cannot be an elected member but can only be treated as an elected member in regard to rights and privileges &c. Hence the change. ~~proposed.~~

Establishment and incorporation of Panchayets.

4.(I) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, bya notification in the official gazette, to vary as occasion may demand, the grouping of villages.	4(1). In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.	"Adjacent" is proposed to be replaced by "adjoining" as the correct word.
x x x x x x x x x x		
(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding property, outside its limits, subject as such acquisition is, to the rules framed by the Government. Section is recast accordingly. This is in accordance with the corresponding provision in the ~~D.B.~~ District Boards Bill.

Strength of the Panchayets and the Election or nomination of Members.

5.(1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.	5.(1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.	(1) Fixing of the strength a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is proposed to be raised to 7, as otherwise the quorum which is fixed at 5 in Sec.17 will be equal to the total strength.

persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(4) "panchayetdar" means a member of a Panchayet;

(5) "prescribed" means prescribed by the rules made under this Regulation

(6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of Yelandur and Singeri;

(7) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(8) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, 1925;

(9) "Amildar" includes a Deputy Amildar.

land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(4) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, ~~1925~~;

(5) "Hamlet" means a village, the village Panchayet of which consists of all the voters of the Village as provided ~~for~~ in Section 5 ~~(1)~~;

(6) "Panchayet" means the body of persons consituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(7) "Panchayetdar" means a member of a Panchayet;

(8) "Prescribed" means prescribed by ~~the~~ rules made under this Regulation;

(9) "Taluk" includes a sub-Taluk;

(10) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes a Dhakle village and an alienated village, but shall not include a local area constituted into a Municipality.

(11) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

being applied to villages under its control and Government have power under ~~Section 2~~ to apply the Regulation to only such portion of ~~the~~ a District as ~~it~~ deems fit.

sub-clause (3) of clause

(b) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation;

Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.

The portion relating to recovery of dues in (b) should logically come after and form part of clause (c). This is also effected in the section as recast.

(c) when in consequence of the repeal of the enactments referred to in sub-section (a) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.

(2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.

'Recovered' is substituted for 'realised', as being more correct.

3. In this Regulation, unless there is something repugnant in the subject or context, INTERPRETATION.

3. In this Regulation, unless there is something repugnant in the subject or context, INTERPRETATION.

The definitions are arranged in alphabetical order. Two more definitions are added and the definition of 'Village' is added to so as to include a 'dakle' village. The portion relating to a Sanitary Board and the Jahagirs in the definition of 'village' is left out as the Sanitary Board has no objection to the Regulation.

(1) "building" includes a house, shop, warehouse, workshop, hut and shed;

(2) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

(3) "Panchayet" means the body of

(1) "Amildar" includes a Deputy Amildar.

(2) "building" includes a house, shop, warehouse, workshop, hut and shed;

(3) "District" means any local area which, for the purposes of the collection of

Establishment and incorporation of Panchayets.

4.(1) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, bya notification in the official gazette, to vary as occasion may demand, the grouping of villages	4(1). In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.	'Adjacent" is proposed to be replaced by "adjoining" as the correct word.
(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding property, outside its limits, subject as such acquisition is, to the rules framed by the Government. ~~Section~~ is recast accordingly. This is in accordance with the corresponding provision in the ~~D.B. bill~~ District Boards Bill

Strength of the Panchayets and the Election or nomination of Members.

5.(1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.	5.(1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.	(1) Fixing of the strength a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is proposed to be raised to 7, as otherwise the quorum which is fixed at 5 in ~~Sec~~.17 will be equal to the total strength.

clauses of the Bill which require amendment	clauses as amended by the Select Committee	reasons for the change
Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the S tate; It is hereby enacted as follows:-	Preamble Whereas it is expedient to make better provision for the administration of local affairs of villages by the inhabitants thereof; it is hereby enacted as follows:-	The words 'village affairs' and 'villagers' are replaced by 'local affairs of villages' and 'inhabitants' as more appropriate. The sentence omitted is redundant.
1. This Regulation may be called the Mysore Village Panchayet Regulation, 1225.	1. (1) This Regulation may be called the Mysore Village Panchayet Regulation,	The year will be entered when the Bill is passed.
2. x x x	(2) x x x	
3. x x x	(3) x x x	
	Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any District or part of a District in this Regulation, or the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that District or part of a District	This is to provide for elections before the Regulation is introduced in any area, so that a Panchayet may be established as soon as the Regulation is brought into force in the area. Otherwise there will be an interregnum.
2. On and from the date on which this Regulation comes into force in any district or part of a district, (a) the whole of the Mysore Village Regulation, 1898, and the Mysore Panchayets Regu-	2.(1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore Village Sanitation Regulation, 1898; and the Mysore Local Boards and Village [illegible] 1918, so far as,	Clause (b) is really a proviso to clause (a) and clause (c) is an independent clause. The section is recast to bring this about. The clause is

60(A) A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet fund.

Panchayet may prosecute

Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.

A provision similar to what exists in Municipal Regulation regarding prosecutions for public ~~nuisances~~ nuisances is necessary

Section 61:-

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:-

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules;

* * *

(f) regarding the time, place and the conduct of meetings of Panchayets and quorum.-

(f) regarding the time, place and the conduct of meetings of Panchayets.

Quroum is already provided for. (Vide Sec.17). Hence it is proposed to be omitted here.

*

Section 65(1) (2)

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or sent it to, any one of such owners or occupiers.

No remarks.

52(1) 24

7(1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, ~~xx~~ waste or misapplication.	If the Government are satisfied that the loss waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, ~~it~~ may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed by the amount required to reimburse it for such loss, waste or misapplication.	They may / Section is recast without altering the sense. Calls for no remarks.
Liability of members for loss, waste or misapplication of property.		
Section 58:- (2) (a) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sucm of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority; Provided that the provisions of this Regulation have been in substance and effect complied with.	No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority if the provisions of this Regulation have been in substance and effect complied with.	Proviso is more a condition than a proviso. Hence the change.
Section 60 (1) ~~Sub-Section (1)~~ x x x Shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 50. x x x x	Section 60 (1) x x x x x shall on conviction before a Magistrate be punished with fine which may extend to Rs. 50 etc. x x x	'be punished with' is the usual formula and is proposed to be substituted for "be liable to."
(2) (b) Compound for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted under this regulation or any rule thereunder.	2 (b) Compound for a similar sum any of the aforesaid offences which under any law for the time being in force may lawfully be compounded and withdraw from the prosecution instituted under this Regulation or any rule thereunder.	This clause is recast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, could not be compounded.

52(1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise bylaw, or exceeds or abuses its powers, the Deputy Commissioner having jurisdiction may, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supercede it for a period to be specified in the order.

(2) * * *

(3) * * *

Power to supersede Panchayet in case of incompetency default or abuse of powers.

[redacted]

52(1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may after giving such Panchayet opportunity of being heard, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2) ** * *

(3) * * *

(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

It is proposed to give the Panchayet an opportunity to state its case.

When a Panchayet is superseded an appeal should lie to Government. Hence the proposed addition.

53(1) Save as otherwise provided for in this Regulation, an appeal shall lie -- against an order of --

Appeal.

(a) the Panchayet in a Taluk to the Amildar of the Taluk;

(b) the Amildar, to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(c) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within fifteen days of the date of the order.

Save as otherwise provided for in this Regulation, an appeal shall lie from an order of --

(a) the Panchayet in a Taluk to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge;

(b) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within thirty days of the date of the order; and

Calls for no remark.

As the Amildar generally controls the actions of the Panchayet and may be a party to any order of the Panchayet it is proposed that appeals from the orders of a Panchayet should lie to the Assistant Commissioner. The number of appeals is also curtailed and period of limitation is also extended to 30 days.

50(1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his Taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for makingit, and it shallbe in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Power to suspend execution of orders, etc.

50(2)

If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

'the' is out of place and is proposed to be omitted.

Calls for no remarks.

51(1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his Taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service, or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

Extraordinary powers of an Amildar in case of emergency.

51(1)

In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.

The powers conferred by this section are extraordinary and are to be used only in cases of emergency. Hence it is proposed to limit the exercise of these powers to only cases where the safety of the public is concerned. Panchayet should be informed of the order.

Appointment of Inspectors.	**48. The Government may appoint for each taluk one or more Inspectors of Panchayets to secure better supervision over Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.**	**Appointment of Inspectors.**	48. The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	As the Inspector discharges such functions as are assigned to him, the portion relating to his supervision is proposed to be omitted.
Power to provide for performance of duties in default of Panchayet	**49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may, by any order in writing, fix a period for the performance of that duty.**	Power to provide for performance of duties in default of Panchayet.	49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under Section 19, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.	The powers of an Amildar under this section are proposed to be confined to the non-performance of obligatory duties only.

Every person who

(a) has completed 21 years of age;

(b) is a resident of the village or villages for which a panchayet is to be established;

(c) was, during the year immediately preceding the election of members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and hittals within the village; and

(d) is not subject to any of the disqualifications mentioned in Section 7;

shall be entitled to vote at an election of members of the Panchayet.

Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.

Disqualification of voters.

7 No person may vote

(a) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or

(b) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or

(c) who has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1904.

[illegible]ications of voters.

6. Every person who is a resident of a village and has completed twenty years shall be entitled to vote at an election of members of the Panchayet, unless disqualified.

as in Bombay and Madras it is proposed to give every adult right to vote so long as he is a resident of the village. 21 years is taken as the age of an adult rather than 25 which is adopted in Madras & Bombay and women are also allowed vote.

No person may vote

(a)

(b)

(c) who is convicted by a Criminal court for an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently reversed or the offence pardoned; or

(d) who is adjudicated an insolvent; or

(e)

Provided that the disqualifications in clauses (b), (c) will cease to operate after expiry of 5 years from the date of such removal, conviction or adjudication and the disqualification in clause (e) will cease to operate after expiry of the period during which the person is ordered to furnish security.

(c) The select committee is of opinion that the nature of the offence is a better index of character as judged by the laws of [illegible] than the punishment awarded or suffered and as the proposed changes in the Criminal Procedure Code provide for certain offenders not being convicted it is believed that along with the 5 year rule given below, all cases are adequately provided for.

(d) Only an adjudged insolvent should be disqualified & not one who merely applies for insolvency.

Provision in the Bill.	Provision as altered by the S elect Committee.	Reasons for the change.
Whereas it is expedient to make better provision for the administration of ~~village~~ affairs by the ~~villagers themselves and thereby develop the system of Self-Government in the rural areas of the State~~; It is hereby enacted as follows:- PREAMBLE.	(There was a discussion to alter the preamble, as 'Village A ffairs' was not considered a suitable term. No decision was arrived at. The idea was to reconsider the matter after finishing the bill.)	
1. This Regulation may be called the Mysore Village Panchayat Regulation, 1925. SHORT TITLE.	1. (1) This Regulation may be called the Mysore Village Panchayet Regulation, SHORT TITLE.	The year will be entered when the Bill is to be passed.
2. x x x	(2) x x x	
3. x x x	(3) x x x	
	Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any District or part of a District ~~as prescribed in this Regulation, or the rules framed~~ thereunder, but such elections shall not take effect till the commencement of this Regulation in that District or part of District	This is to provide for elections before the Regulation is introduced in any area, so that a Panchayet may be established as soon as the Regulation is brought into force in the area. Otherwise there will be an interregnum.
2. On and from the date on which this Regulation comes into force in any district or part of a district, (a) the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district;	2.(1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore V illage Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of REPEAL.	Clause (b) is really a proviso to clause (a) and clause (c) isan independent clause. The section is recast to bring this about.

D.A. If two-thirds of the number of voters in a village included within the limits of any village Panchayet having jurfsdiction over more than one village elect to be included within the limits of any other village Panchayet, such village may with the consent of the latter Village Panchayet be so included and after a period of five years may similarly be included in another Village Panchayet.

(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to be a hamlet it shall be constituted ~~two a hamlet~~ and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation.

(3) It shall be open to a Hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a hamlet.

As Village Panchayets are to have perpetual succession it is necessary to provide for changes that may be necessary in the course of time.

Provision is proposed to be made to allow a village the choice to get out of one Panchayet and be included in another. This may become necessary for various causes.

Provision is also proposed to be made to allow a Village to separate itself and manage its own affairs. In Malnad particularly this may be a necessity.

~~A hamlet~~ is proposed to be able to join a Village ~~Hamlet~~ with the consent of the latter, after the expiry of five years.

These proposals are intended to ~~help self determination but not too frequently~~. give effect to the wish of the villagers from time to time

(2)Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village.

(3) The members of the Panchayet may be --

(i) either wholly elected by the residents of the village;

or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

x x x x x

(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.

Transfer 5

(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.

(3) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be ---

(i) either wholly elected by the residents of the village or villages,

or

(ii) partly elected and partly nominated

x x x

(5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled ~~up~~ by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.

Mag. Advts

(2) Only the elected eliment in each village need be determined by the Deputy Commissioner. Any ~~irregularities~~ will be set right by nomination.

(3) Residence in the village or group of villages is proposed to be prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both sub-clauses (i) and (ii) and hence are proposed to be removed from (ii) and inserted at the beginning of (3).

(5) Qualified" is unnecessary and "required" is a more approximat word than "full". A nominated member cannot be an elected member but can only be treated as an elected member in regard to rights and privileges &c. Hence the change proposed.

Establishment and incorporation of Panchayets.

(1) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, bya notification in the official gazette, to vary as occasion may demand, the grouping of villages.	.4(1). In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.	."Adjacent" is proposed to be replaced by "adjoining" as the correct word.
x x x x x x x x x x		
(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding a property, outside its limits, subject as such acquisition &c is to the rules framed by the Government. Section is recast accordingly. This is in accordance with the corresponding provision in the D.B. bill.

Strength of the Panchayets and the Election or nomination of Members.

5.(1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.	5.(1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf.	(1) Fixing of the strength a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is proposed to be raised to 7, as otherwise the quorum which is fixed at 5 in Sec.17 will be equal to the total strength.

persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(4) "panchayetdar" means a member of a Panchayet;

(5) "prescribed" means prescribed by the rules made under this Regulation

(6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of - Yelandur and S ringeri;

(7) " District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Comissioner of a District;

(8) "District Board" means any Board constituted under the provsions of the Mysore D istrict Boards Regulation, 1925;

(9) "A mildar" includes a D eputy Amildar.

land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(4) "District B oard" means any Board constituted under the provisions of the Mysore District Boards Regulation, ~~1925~~;

(5) "Hamlet" means a village, the village Panchayet of which consists of all the voters of the Village as provided ~~for~~ in S ection 5 (A);

(6) "Panchayet" means the body of persons consituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(7) "Panchayetdar" means a member of a Panchayet;

(8) "Prescribed" means prescribed by the rules made under this Regulation;

(9) "Taluk" includes a sub-Taluk;

(10) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes a Dhakle village and an alienated village, but ~~should~~ not include a local area constituted into a Municipality.

(11) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

being applied to -- villages under its control and Government have power under Section 2 to apply the - Regulation to only such portion of the --- District as it deems fit.

(b) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation;	district: Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.	The portion relating to recovery of dues in (b) should logically come after and form part of clause (c). This is also effected in the section as recast.
(c) when in consequence of the repeal of the enactments referred to in sub-section (a) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.	(2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.	'Recovered' is substituted for 'realised', as being more correct.
3. In this Regulation, unless there is something repugnant in the subject or contex INTERPRETATION.	3. In this Regulation, unless there is something repugnant in the subject or context, INTERPRETATION.	The definitions are arranged in alphabetical order. Two more definitions are added and the definition of 'Village' is added to so as to include a 'dakle' village. The portion relating to a Sanitary Board and the Jahagirs in the definition of 'village' is left out as the Sanitary Board has no objection to the Regulation -
(1) "building" includes a house, shop, warehouse, workshop, hut and shed;	(1) "Amildar" includes a Deputy Amildar.	
(2) "village forest" means a forest constituted as such under the Mysore Forest Regulation;	(2) "building" includes a house, shop, warehouse, workshop, hut and shed;	
(3) "Panchayet" means the body of	(3) "District" means any local area which, for the purposes of the collection of	

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill.

We the members of the Select Committee appointed to consider the Village Panchayet Bill met and considered the Bill at 4 sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor arenoted below. We recommend that the Bill as amended by us may be passed by the Council.

(sd) M.Ramachandra Rao.
" B. Nagappa.
" C.S. Balasundaram Iyer.
" S. Hiriannaiya.
" D.H. Chendrasekharaiya.
" K.P. Puttanna Chetty.
" H. Chennaiya.
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" K. Chandy (Chairman).

TD

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" K. Chandy (Chairman).

Office of the Secretary, Legislative Council

No. 3403/Encls. Bangalore, Dated 11th D e c e m b e r 1925.

N o t i f i c a t i o n.

Under Rule 49 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Village Panchayet Bill is published for general information with the Bill as amended by them.

By Order,

R. Ranga Rao

S e c r e t a r y,
Mysore Legislative Council.

To

The Compiler, Mysore Gazette for publication in Part III of the Gazette in English and Kannada and for supplying 150 spare copies in English and 50 copies in Kannada to this office. Proof should be sent to this office for approval before publication.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Submitted

The Corrections and additions made at the final meeting of the Select Committee on the Village Panchayat Bills are submitted for approval Members original Copys also enclosed.

The main Corrections are in pages 1, 5, 6, 7, 10, 11, 12, 15, 16, 19 and. In other pages there are Verbal alterations of a Minor Character

2nd Members

Cag 10/

Appd Mr Gauri ~ Mr Lee Kanagaratnam shd please Sep arately Jury & then Joint Examine the final proof of all the three Bills So as to make No Mistakes Whatever Even in Commas. Lee

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

B 15/4/26

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form

Filling of casual vacancies.

16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills whould have been entitled to hold office if such vacancy had not occurred. The Secretary shall be in charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.

Business how transacted.

17. (1) A Panchayet shall meet for the transaction of business at such time and place, and follow such procedure as may be prescribed.

Obligatory duties.

19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters:—

(1) [illegible]

(iv) Extension of village si[illegible]ulation of buildings

(viii) Preservation and improvement of public health.

office of a Chairman or Panchayetdar is removal, disqualification, resignation man or Panchayetdar shall be appointed, as the case may be, in accordance with ons, and such Chairman or Panchayetdar ong as the Chairman or Panchayetdar hould have been entitled to hold office if ot occurred. The Secretary shall be in f the Chairman during a casual vacancy, ent or election of a new Chairman.

Filling of casual vacancies.

if any or any member selected by the Panchayet

The addition made is necessary, as the appointment of a Secretary is only optional vide change proposed in Sec 10

nayet shall, in the
n of business, follow
edure as may be prescribed (of its
~~committees to perform any functions, matters Regulations~~.
as otherwise provided, all
before a Panchayet shall
ed by a majority of the
the members present and voting.
uorum for a meeting of the
ayet shall be not less than
rd of the whole number of
ers of the Panchayet and shall
less than five in any case,
that in the case of a hamlet
all be a bare majority.

conduct of business

(1) Procedure for transaction of business includes the time & place of meeting hence the latter words are omitted. Moreover they are included in the section empowering the framing of rules.

Questions are to be decided by a majority of votes. This matter may not be left to rules, as also the quorum for ~~decisions~~ meetings - Hence the proposed additions

ll be the duty of a Panchayet, within the limits its disposal, to make adequate provision for e requirements of the area under its control in llowing matters:—

Regulation of buildings

Extension of Village Sites is proposed to be included in the Optional duties.

This should stand.

This item is proposed to be brought under obligatory duties —

y of water for domestic use;
~~cement of vaccination~~;
~~ration of births and deaths~~;

× Include also the Communications in the proper place or within the limits of the jurisdiction of the Panchayat.

Subject to such rules as may be prescribed in this
ıe Panchayet may, within the limits of the fund at its
make provision for carrying out the requirements of
under its control in respect of any or all of the
matters:—

i) omit
ii) omit.
iii) Extension of Village sites —
x x x
) Excavation & maintenance of ponds for the supply of water to animals.
) Development of education, agriculture, rural industries and trade; and

(i) vide sec 69. Brought-over Obligatory duties.
(ii) This is the only power of the Distt. Board & hence proposed to be omitted
(iii) vide sec 69 — to be treated as optional only.
(vi) The addition calls for no remark.
(ix) 'Development' is an appropriate word. There can be no economic improvement & education & like matters & Co-operation is also included

Co-operation

It may, subject to such limitations and
mposed in this behalf, transfer to any
int and control of ~~growing~~ grazing in hulbanni,
he management, protection and mainte-
sts whether reserved for fuel and fodder

Management and control of grazing in hulbanni and gomal lands is also proposed to be transferred to Panchayats.

Power is taken to transfer control over grazing in hulbanni gomal lands, if found desirable

Discretionary duties.

20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters:—

(*i*) Supply of water for domestic use ;
(*ii*) Enforcement of vaccination ;
~~(*iii*) Registration of births and deaths ;~~

(*vi*) Excavation and maintenance of ponds for animals ;

(*ix*) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade; and

Transfer of village forest to Panchayets.

21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.

22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation, 1911, may exercise and discharge.

Vesting Panchayet with functions under Tank Panchayet Regulation.

22. The Govern
and conditions as ma
any Panchayet to e
the functions that a
Panchayet Regulation

23. Subject to the approval of the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control.

Institutions or works may be transferred to Panchayet.

23 Subject to
23. Subject to the a
Board, the Deputy Comi
of persons may, with the
it, subject to such conditi
ment of any institution
work or the performanc
which a Panchayet has

25. The Government may, subject to such conditions as may be imposed, authorise any Panchayet, by a general or special order, to exercise any functions or perform any duties other than those specified in sections 19 to 24.

Government's power to add to functions of Panchayets.

"25. Subject
be imposed, the Go
the village vacant
f Amrayi, fisheri
f tanks which are
ny Panchayet, by
functions or perf
Sections 19 to 24.

26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 27, 28, 29, 30, 31 and 32.

General Power.

26. A Pancha
sary for and incide
entrusted or deleg
prejudice to the for
fied in sections 27,

may app
functions

Rules references

a Tank Panchayet is constituted in a special manner under these sections. It is proposed to entrust the powers & functions of a P. Bd in the provisions of the above sections.

A Tank Panchayet consists of elected & nominated members to represent certain interests & can only be constituted after the consent of 2/3 rds of the villagers. It is proposed to entrust the duties of a Tank Panchayet, to a village Panchayet notwithstanding the fact that the latter may not represent such interests.

may, subject to such limitations imposed in this behalf, empower all the powers and discharge all ayet constituted under the Tank ~~may exercise and discharge~~ Vesting Panchayet with functions under Tank Panchayet Regulation.

anding anything contained in ... of that Regulation

...ven rules as may be prescribed by the Government, ...val of the Government any District ...ioner or any private person or body ...sent of a Panchayet, ~~make over to~~ and ...as may be agreed upon, the manage... ...e execution or maintenance of any ...any duty within the area over ...wol. Institutions or works may be transferred to Panchayet. make over hand it

This is to avoid each case coming up to Govt for approval General rules may be framed by Govt, leaving the terms etc to the bodies concerned

o such limitations and conditions as may ...rnment may transfer to any Panchayet ...sites vested in Government, the disposal ...s in and grass growing on the rear slopes ...not under private ownership, and authorise ...general or special order, to exercise any ...m any duties other than those specified in

omit. (Sec 84) Govt have power to assign any revenue they please to the Panchayet. No specific mention of Annaram is therefore necessary.

t shall have power to do all acts neces... ...al to the carrying out of the functions ...d to it, and in particular and without ...oing power, to exercise the powers speci... ...3, 29, 30, 31 and 32, General Power.

provided that the Panchayet ...nt Committees to perform any of these

It is desirable to provide for the appointment Committees to ~~perform~~ perform certain functions. The whole Panchayet may not find convenient to meet for consideration or carrying out each question or work

Secretary for Panchayet.

10. Subject to such rules as may be made by the Government in this behalf, every Panchayet shall appoint a Secretary from among its members.

Term of Office of Panchayetdar or Chairman.

11. Except as is otherwise provided in this Regulation or in any other law for the time being in force, members of Panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner shall think fit, for reasons which shall be notified, together with the order in the official gazette, so to extend the same. The term of office of a Chairman shall be co-terminus with or be the residue of his term of office as a Panchayetdar.

Removal of members.

13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.

Removal of Chairman

14. The Deputy Commissioner shall remove a Chirman from his office for misconduct, or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.

10. Subject to such rules as may be made by the Governin this behalf, every Panchayet shall appoint a Secretary among its members who shall ~~—~~ may from such duties as may be scribed

Appointment of a Secretary Should be optional this rule Should be fixed

xcept as is otherwise provided in this Regulation, or r-law-for-the-time-being-in-force, members of Panll hold office for a term of three years, extensible by Deputy Commissioner to a term not exceeding in te four years, if on any occasion, the Deputy Commonll thinks fit, for reasons which shall be notified, h the order in the official gazette, so to extend the term of office of a Chairman shall be co-terminus he residue of his term of office as a Panchayetdar.

The words "or in any other law for the time being in force" are irrelevant and are proposed to be omitted

'Thinks fit' is substituted for 'Shall think fit' as more appropriate.

The Deputy Commissioner may, on the recommen- Panchayet, remove any member, elected or appointed

Regulation, after giving him an opportunity for d and after such enquiry as he deems necessary, if ber has been guilty of misconduct in the discharge es, or of any disgraceful conduct, or refuses to act s incapable of acting. The order of the y-Commissioner shall be al

As the removal is ~~After~~ on the recommendation of a Panchayet & the member has opportunity to state his case, the decision of the Deputy Commissioner should be final.

puty commissioner may, after him an opportunity of being heard and enquiry as he deems necessary, a chairman from his office misconduct, or neglect of, or incapacity his duty or for any disgraceful An appeal shall lie to Governon the order of the Deputy commner in this matter.

Power to remove a Chairman Should be discretionary ~~not of the Deputy Commissioner~~? The Chairman Should be given an opportunity to state his case & if necessary, enquiry should be held. The Chairman should be liable for removal for disgraceful conduct also. Section is proposed to be recast accordingly

5. A

(1) If two-thirds of the number of voters in a [redacted] included within the limits of any Village Panchayat having jurisdiction over more than one village, elect to be included within the limits of any other Village Panchayat, such village may with the consent of the latter Village Panchayat be so included and after a period of five years may similarly be included in another Village Panchayat.

(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayat elect to be a Hamlet, it shall be constituted into a Hamlet and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayat under this Regulation.

(3) ~~Provided that~~ It shall be open to a Hamlet by a vote of two-thirds of its ~~members~~ voters ~~with the consent of the Village Panchayat concerned~~ to become a Constituent village of any Village Panchayat with the Consent of such Panchayat; provided that a period of five years has elapsed after it ~~is~~ elected to become a ~~Panchayat~~ Hamlet.

A Village Panchayat should have perpetual succession necessary to provide for ... management, ... is ... provision ... be made ... all ... village ... choice ... included in ... Panchayat and ... in another ... necessary ... for ... not ... for the ...

Provision is ... proposed to be ... allow a village ... itself ... and ... own affairs. ... particularly, this ... necessary.

A Hamlet ... wishes to join a ... with the ... the latter ... keeping ...

These proposals ... approved by ... will ... intended to help ... for ... determine ... not too ...

Please remember the clauses thus known as A or B. Leave no A or B in either P. or B. bill. & avoid in Municipal Bill when reprinting

Power of Panchayets as to roads, bridges and water ways.

27. The Panchayet shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property and not being under the control or management of a District Board, Municipal Council or a Government Officer, and may do all things necessary for the maintenance and repair thereof and may—

(*a*) lay out and make new roads;

(*b*) construct new bridges;
(*c*) divert, discontinue or close any road or bridge;
(*d*) deepen or otherwise improve water-ways; and
(*e*) provide for the lighting of any road or public place within the village.

Control of the Erection of buildings.

28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet.

Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

Powers as to sanitation, conservancy and drinage.

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction—

(*a*) the Panchayet shall have power to,

(i) construct, alter or remove public drains;

(ii) establish burning ghats and burial grounds; and

(iii) effect such other improvements as are necessary to improve the sanitary condition of the area.

(*b*) The Panchayet may by a written notice, require within a reasonable period to be specified therein—

(2) If any work required by a notice under clause (*b*) of sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (*b*) of sub-section (1) as if it were a tax imposed under section 36.

shall have control of all village roads tracks, drains, tanks, wells and other ge, not being private property and ol or management of a District Board, overnment Officer, and may do all maintenance and repair thereof and

Power of Panchayets as to roads, bridges and water ways.

A fresh clause - re-ordering, enlarging &c of roads & bridges is proposed to be added - Such a provision exists in Madras.

ike new roads;

ew bridges;

ren, enlarge or otherwise improve
n or bridge;

lue or close any road or bridge;
wise improve water-ways; and
ighting of any road or public place
lage.

x x

t to such rules as may be prescribed ~~by~~ his behalf; no person shall erect any build- o any existing building or reconstruct any written permission of the Panchayet.

'Prescribed' is defined in the Interpretation. Hence the words ~~[illegible]~~ omitted are redundant

mission shall not be refused - the ground of the site suited or Sanitary gr - ds

There is no indication as to when & on what grounds permission to build can be refused. It is proposed to make it clear that permission can only be refused on Sanitary grounds.

permission shall be presumed to have been il is not communicated within a month of pplication.

f it appears necessary to improve the sanitary y area within its jurisdiction,

hayet may by a written notice, require eriod to be specified therein—

The whole of Sub-clause (a) is proposed to be omitted. Sec 26 in conjunction with Sec 19 provides for these matters.

x x x

Consequential Changes

required by a notice under ~~clause (b) of~~ cuted within the period specified in the ay itself cause such work to be carried e cost of such work or part thereof from eferred to in ~~clause (b) of~~ sub-section mposed under section 36.

Section 36 is not the correct Section. It ought to be Sec 35

Section 31 – Subsection (3)

(3) The Panchayet may, by order published at such places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream or water-course set apart for drinking or culinary purposes under sub-section (2).

Section

(3) The
places as it may

clothes and anima
water of any tank,
drinking or culina

(b) anv
any
or
Hot

Officers and servants.

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances, gratuities, pensions and contributions as the Government may direct.

Officers and servants.

33.
ernment
officers
ment an
pension

...t section (3)

...et may, by order published at such ...fit, prohibit—

(a) all bathing, washing of other acts calculated to pollute the stream or water-course set apart for poses under sub-section (2). and

- epidemics the use of ...ater source for drinking in any purpose or for ...shing of clothes.

The existing sub-section only provides against pollution of water. It is necessary to provide for cases where there may not be pollution, but there may be fear of infection and spread of infection. Sub-clause (b) is therefore proposed to be added

Subject to such rules as may be framed by the Gov- ...n this behalf, every Panchayet shall employ such ...d servants ~~as may appear necessary to the Govern-~~ shall assign to them such pay, allowances, gratuities, ...nd contributions as ~~the Government may direct.~~ may be necessary

As appointments are subject to rules framed by Govt., reference to Govt. in the latter portions of this Section are proposed to be omitted

Panchayet Fund and its application and investment.

34. (1) All sums realised as taxes, fees, cesses, fines or costs under this regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund," the accounts of which shall be kept in the manner prescribed.

The last 11 words are omitted provision for maintaining accounts is made in Sec 4 which is the proper Section.

(3) The Panchayet Fund shall be ~~invested~~ Lodged in the Government Savings Bank or ~~with the approval of the Deputy Commissioner~~ in a Co-operative Society ~~A Panchayet may~~ or Bank or in such manner as may be prescribed. A Panchayet may,

~~from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.~~

if the Deputy Commissioner approves

"Invested" would mean that the money may not be withdrawn whenever necessary. So this proposed to be replaced by "Lodged". The Panchayets may also be empowered to deposit money in any Bank with the approval of the Deputy Commissioner. Section is recast accordingly.

or in any other manner

ny Panchayet shall levy

anner prescribed, a tax

uses, shops ~~and~~ or places of

business, vacant sites,

d carts in the village

ies within its jurisdiction

es of such taxes shall not

the maxima that may

scribed; ~~provided that~~

~~tax is imposed on a~~

~~place of trade or business~~

~~of the basis based on~~

~~kap or place of trade or~~

~~shall be fixed for~~

~~use of assessing the tax~~

(1) Shops do not include places where any profession or similar business is carried on. Tax on carts is one of the items of which collection is now collected. It omission perhaps is accidental. Section is proposed to be recast to include both the items.

(2) Call for no remarks as there is no change in the sense.

No 3 here. Verify

Panchayet Fund and application and investment.

34. (1) All sums realised as taxes, fees, cesses, fines or costs under this regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund," the accounts of which shall be kept in the manner prescribed.

(3) The Panchayet Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co-operative Society. A Panchayet may, from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.

Obligatory taxes.

35. In every village, a tax on houses, shops, vacant sites and *hittals* shall be levied, subject to such rules and not exceeding such rates as shall be prescribed.

Provided that it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals with the previous sanction of the Government.

9. [illegible]

× × ×

the levy of such tax, cess, rate or fee is
than two-thirds of the members constitut-
Provided also that the Panchayet may
ne person from whom such tax, cess, rate
ommute the payment ~~of such cess into a~~
ır not exceeding 18 days' labour in a year
such period of time and under such con-
escribed in this behalf.

The words "of such Cess" are proposed to be omitted as Commutation of payment into labour, is to be permitted in the case of all taxes, rates & fees also.

Provision for Cancellation of a tax is necessary & is proposed to be made.

such tax, cess, rate or fee
be carried into effect with the
ns sanction of the Government

any time in the ~~Dt Comr~~ [illegible] the [Increase / of income]

a Panchayet fails to make
ng for the proper discharge
specified in Section 19,
may call upon the Panchayet
within six months to increase
such a figure as may
. If the Panchayet [illegible]
e adequate steps to increase
to the required amount,
~~Dt Comr~~
~~he~~ may require it to
rate of taxes imposed
vide 35. [illegible]
must in no circumstances
~~Dt Comr~~
Anubhar have power to

Panchayets have cer-
Certain Obligatory duties to perform
under Sec 19. They have discretion
~~to~~ subject to the maxima to
be prescribed by Govt, ~~to~~ fix
whatever rate they choose to.
They may fix a very low rate
and plead that they have no
funds to perform ~~their~~ the
functions that are Obligatory
To avoid an intentional
attempt in this direction,
the new section is proposed
to be added - It is proposed
that such additional taxation
shall be imposed only by the
Dt Comr of the Dist;-
and an appeal shall
lie to Govt. This ~~will~~
~~affects~~ fixes the responsibility of the maximum
of autonomy Consistent with
the safety of the people.

section 36

x x x x

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.

36 & 36 A
now reply

Nil

Section

Provided
agreed to by n
ing the Panch
with the conse
or fee is leviab
contribution of
at such interva
ditions as may

(2) An
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36A. (1) If

opinion

regular income

what is ne

36A

of the distr

the Asstt. Dy Com

to take steps

its income

contains

be, necessa

fails to

its incom

the

increase

amou

from

sham

rates
the ~~rates~~ of taxes to
-cased beyond the
-a prescribed
y Panchayat/ may appeal
Govt
~~Deputy Commissioner~~/against the
cement of its income
ion shall be taken by the
ome to effect such enhancement
the appeal has been decided.

(37) Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation.

An appeal shall lie to Govt against an order of the Dy Com under this section.

Recast so as to put the same thing in the positive form. Calls for no remarks.

-38-

x x x

The procedure to be followed prior to and during l sale, the properties to be exempted from distraint osal of surplus proceeds, etc., shall be in accorde rules framed in this behalf.

) If the Panchayet neglects to recover or cannot taxes or other dues under sub-section (1), the ll recover the same by distraint and sale and shall pose have all the powers that may be exercised by under sub-section (1)

The order of clauses (2) & (3) is reversed as being more logical.

If the taxes or other dues cannot be recovered under Sub-Sections (1) and (2), a Statement of account shall be prepared by the Amildar and submitted to the Assistant Commissioner or to the Deputy Comr where there is no Asstt Comr in charge, for certification. A statement of account so certified shall be conclusive evidence of the existence of the ~~the~~ arrears, of the amount due and of the person who is the defaulter.

On receipt of such certified Statement, it shall be lawful for the Deputy Commissioner of any District to recover the dues as arrears of land revenue, as if the demand arose in his own district.

As dues arising in one District may have to be recovered in another District, it is proposed that ~~certain~~ such dues should be certified by an officer of the rank of an Assistant Comr as in the Land Revenue Code.

It is also proposed that a statement so certified should not be challenged

Section 37 No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in accordance with the rules made under this Regulation.

Section 38

(1) × × ×

(2) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.

(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).

(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (3), the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account certified by a Chairman or an Amildar and after holding such enquiry, if any, as he thinks fit.

pplication made under sub-section
very of dues as an arrear of land-revenue
filed under sub-sec(5), shall be
ed within three years after the amount

It is also proposed to fix
a period of three years
within which either a suit
is to be filed for recovery of
dues or an application made
to have the ones collected as
arrears of land-revenue.

-to such rules as may be
ed by Panchayats so as
-cast of estimated receipts
nditure for the next official year
id it to the Amildar ~~of Taluka~~ having jurisdiction

(Annual
budget of
Panchayats

× ×

No expenditure which is not
for in the Budget as, or by the
shall be incurred without
ous sanction of the Amildar.

Verbal Changes Calling for
No remarks. A request of the
proceedings of ~~the~~ Panchayats need
not be ~~sent~~ provided for by
regulation. ~~It will take some~~
~~place at Panchayats~~

Verbal Changes - ~~Sanction of~~
~~Amildar is enough~~ Passed is the word
used in the
previous clause, ~~hence~~ it
includes non-refusal within
a month.

nts of all the receipts and expenditure of every
be ~~made up to the last day of~~ every official
rm as the Government ~~from time to time~~ pres-
be examined and audited by such officer as
ed by the Government in this behalf.

(maintained for
by

Vide Sec 34. Provision for
the maintenance of accounts to
added

Every a
(4) for the re
and every suit
made or
fell due.

Annual budget of Panchayets.

39. (1) Every Panchayet shall submit annually to the Amildar having jurisdiction on or before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.

(2) Every such budget shall be scrutinised and passed by the Amildar with such modifications, if any, as he deems fit and a copy of it shall be sent to the Deputy Commissioner having jurisdiction. Provided that the budget shall be presumed to have been passed if it is not returned by the Amildar within a month. × × ×

(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.

39 (1) Every
prescribed,
prepare a
and expen
and forw
(2)
(3) Every
provision
Amildar
the prev

Annual accounts and audit.

40. Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.

Annual accounts and audit.

40. Acc
Panchayet sh
year in such
cribe and sha
may be appoi

of the District

e Deputy Commissioner shall be chief controlling respect of all matters relating to the administra- ayets in the District.

Subject to the general control of the Deputy Commissioner of the District, the

The Assistant Commissioner in charge of a Taluk cise all the powers of a Deputy Commissioner under lation in respect of Panchayets in that taluk except

specified in sections 4, 5, 13, 45, 52 and 55.

The Asstt Comm cannot exercise all the powers of a Deputy Comr. Certain sections are proposed to be excluded, from the operation of this section & it is proposed that the Asstt Comm, even when exercising the powers of a Deputy Comr, does so under the general control of the latter

Commissioner may, by order in writing, Power of Deputy Commissioners. t in his District to perform any duty— scretionary or delegated under this Regu- ceedings which he considers not to be in nd may do all things necessary to secure conformity. Provided that when the rformed is discretionary or delegated, Government against the order of the from

"from" is substituted for "against" as the proper word.

ommissioner, and the Assistant Commis- k or taluks, the Amildar and any other overnment in this behalf, shall have Inspection of records. ceedings, and records of every Pan- ctive jurisdictions.

Asstt officer authorised by Commissioner in this shall have power to inspect also the works, proceedings books of the Panchayet, or in the District Specified in the authority

Assistant Commissioner is omitted, because under Sec 42, he exercises the powers of the Deputy Comr. Any other officer has no jurisdiction over Panchayets & hence his powers of inspection &c under the authority of the Deputy Comm are relegated to a separate clause.

Deputy Commissioner to be Chief Controlling authority.

41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchavets in the District.

Assistant Commissioner to exercise powers of Deputy Commissioner.

42. The Assistant Commissioner in charge of a Taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk.

Power of Deputy Commissioners.

45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty—whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner.

Inspection of records.

46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf. shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.

47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction, have power at all times— Inspection of property or work.

(*a*) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by, a Panchayet ;

(*b*) to call for and inspect any document which may be for the purposes of this Regulation in the possession or under the control of a Panchayet ;

(*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit;

and may give such advice in respect of the administrative work and proceedings as he thinks fit.

48. The Government may appoint for each taluk one or more Inspectors of Panchayets to secure better supervision over Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors. Appointment of Inspectors.

49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imposed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty. Power to provide for performance of duties in default of Panchayet.

and

uty Commissioner, the Assistant Commis- Inspection of property or work.
a taluk or taluks, the Amildar or any other
by Government in this behalf, shall, in
yets within his jurisdiction, have power at
their

on and inspect or cause to be entered on
nspected, any immovable property occupied
any work in progress under the orders of,
institution controlled by, a Panchayet;
or and inspect any document which may be
r the purposes of this Regulation in the
sion or under the control of a Pancha-
and

Vide reasons under Sec 46

A document may be called for & inspected only for purposes of this Regulation and not otherwise. Hence the change proposed

he Panchayet to furnish such statements,
and reports as he thinks fit.
ve such advice in respect of the adminis-
ork and proceedings as he thinks fit.

The portion relating to the giving of advice is proposed to be deleted.

~~a person~~ officer
~~of the~~ Govt authorised by ~~the Collector~~
~~in this behalf~~ may
~~shall~~ exercise
~~the same powers as~~ of an Amildar or a Dy Collr
~~appointed~~ in respect of ~~the~~ a Panchayet
~~in the District~~
~~Panchayets. Specified in the Schedule.~~
~~Specified in~~

Vide reason given under Sec 46

nt may appoint for each taluk one or Appointment of Inspectors.
nchayets ~~to secure better supervision~~
discharge such functions as may be
in regard to the administration of
hayets may be required to contribute
Inspectors.

As the Inspector discharges ~~only~~ such functions as are assigned to him, the portion relating to his supervision is proposed to be omitted

e Amildar is informed on complaint
~~other wise~~ that a Panchayet in
~~has made default~~ in performing
y under section 19, ~~of this Regulation~~,
er, if satisfied upon due enquiry as to the

The powers of an Amildar under this section are proposed to be confined to the non performance of Obligatory duties only.

y of the alleged default, may, by an
iod for the performance of that duty.

(1) If in the opinion of the Amildar, the execution
ler or resolution of a Panchayet in his taluk or the
ny act which is about to be done, or is being done,
ce of or under cover of this Regulation, is likely to
njury or annoyance to the public or to any class or
rsons, or to lead to a breach of the peace, he may
n writing, suspend the execution or prohibit the
of.

When an Amildar makes any order under this sec-
all forthwith forward to the Deputy Commissioner
the order, with a statement of the reason for making
hall be in the discretion of the Deputy Commissioner
the order or to direct that it shall continue in force
thout modification permanently or for such period as
it.

'the' is out of place to be proposed to be omitted

Calls for no remarks

. (1) In cases of emergency, the Amildar may provide
execution of any work, or the doing of any act
hayet in his taluk is empowered

18. The Government may appoint for each taluk
more Inspectors of Panchayets to secure better

The powers conferred by this Section are extraordinary & are to be used only in cases of emergency. Hence it is proposed to limit the exercise of these powers to those cases where the safety of the public is concerned. Panchayet should be informed of the order

Calls for no remarks

chayet is not competent to perform, or,
ault in the performance of, the duties
der this Regulation or otherwise by law,
its powers, the Deputy Commissioner,
after giving such
portunity of being heard,

Power to supersede Panchayet in case of incompetency default or abuse of powers.

of the District

It is proposed to give the Panchayet an opportunity to state its case

ay, by an order published, with the rea-
the Official Gazette, declare the Pancha-
or in default, or to have exceeded or
he case may be, and supersede it for a
in the order.

When a Panchayet is superseded, an appeal should lie to Govt. Hence the proposed addition.

appeal shall lie to government on order of the Deputy Commissioner this section.

as otherwise provided for in this Regula- Appeals.
ll lie against an order of—

hayet in a Taluk, to the Amildar of the

ildar, to the Assistant Commissioner in
f the Taluk or to the Deputy Commissioner
ere is no Assistant Commissioner in charge;

tant Commissioner, to the Deputy Commis-

ed within fifteen days of the date of the

ision of the Deputy Commissioner shall be

53(1) calls for no remarks

As the Amildar generally controls the actions of the Panchayet & may be a party to the order it is proposed that appeals from the order of a Panchayet should lie to the Asst Commr. The number of appeals is also curtailed & period of limitation is also extended to 30 days.

Power to suspend execution of orders, etc.

50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause the injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.

(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.

Extraordinary powers of an Amildar in case of emergency.

51. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and which is, in his opinion,

Power to supersede Panchayet in case of incompetency default or abuse of powers.

52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise by law, or exceeds or abuses its powers, the Deputy Commissioner having jurisdiction may, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supercede it for a period to be specified in the order.

Appeals.

53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie against an order of—

(a) the Panchayet in a Taluk to the Amildar of the Taluk;

(b) the Amildar, to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(c) the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within fifteen days of the date of the order.

(2) The decision of the Deputy Commissioner shall be final.

a city municipal council

City Municipal Councils are ~~outside~~ ~~the Act~~ not subordinate to the Deputy Commissioner. Hence the proposed change.

~~Bmang~~)?

(to be written in Bla

Provision is also made for the settlement of disputes between a Panchayet and a Distt Board.

If ~~after giving the member concerned a sufficient showing cause to the contrary~~, the Government at the loss, waste or misapplication of any money ty owned by, or vested in a Panchayet is a nce of misconduct or gross neglect on ~~his part~~, der in writing, direct such member to pay to the re a date fixed the amount required to re-imburse , waste or misapplication.

the part of a member of the Panchayet, ~~at~~ may, after giving the Panchayet an a sufficient opportunity for showing cause to the contrary,

Vide Sec 3

Sanitary Board, Kolar Gold Fields has agreed to the Constitution of Panchayets for villages under its Control, subject to conditions which are detailed in the proposed new Section

Section is recast without altering the sense. Calls for no remarks

o civil court shall entertain a suit objecting emand or charge made or imposed under for the recovery of any sum of money authority of this Regulation or for damages ssessment or collection of money under the f the he provisions of this Regulation have been ect complied with.

Proviso is now a Condition in a proviso. Hence the Change.

Inter-Section (3)

× ×

victim before a magistrate be punishable may extend to Rs 50/- etc

~~be punished with~~ the usual formula is proposed to be substituted for 'be liable to'

?

?

Disputes between a Municipal Council and a Panchayet.

55. (1) If a dispute arises between a Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final :

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

Liability of members for loss waste, or misapplication of property.

57. (1) If after giving the member concerned a sufficient opportunity for showing cause to the contrary, the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, waste or misapplication.

Liability of members for loss waste, or misapplication of property.

57. (1)
opportunity f
are satisfied, t
or other prop
direct conseq
they may, by
Panchayet be
it for such los

Section 58

(2) (a) No civil court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority;

Provided that the provisions of this Regulation have been in substance and effect complied with.

Section 58

(2) (a
to an assessme
this Regulation
collected under t
on account of an
said authority;
Provided th
in substance and

Section 60 — See Section 61

Shall on conviction before a Magistrate be liable to a fine not exceeding Rs. 50 provided that a person convicted in cases falling under clause (b) or any other clause shall be liable to a further fine which may extend to Rs. 5 for each day after conviction during which he continues so to offend.

Section 60.

Shall on

with fine which

prosecution (2)

. for a similar sum any
resaid offences which under
— for the time being in force
ishing be compounded and
n from the prosecution.
er under this Regulation
rule thereunder.

this clause is recast so as to make it clear that ~~only~~ ~~Compoundable offences~~ Offences under this Regulation ~~can be compounded only if which~~ are not compoundable under any law for the time being in force, could not be compounded. ~~(vide similar sections in Punjab Act~~

~~A Provision~~
~~The Municipal Council~~ may direct any pro-
y public nuisance whatever, and may order
be taken for the recovery of any penalties,
nishment of any persons offending against
of this Regulation, or of any ~~by-law~~ there-
ly order the expenses of such prosecutions or
ngs to be paid out of the ~~municipal~~ fund.
that no prosecution for an offence under
n shall be instituted except within six months
commission of such offence.

A Provision similar to what Exists in Punjab Reg. regarding prosecutions for public nuisances is necessary.

on under this Regulation or under
may, save as therein otherwise
efore any Magistrate, and every
der or by virtue of this Regu-
eunder, and also all claims to
nses for the recovery of which
wise made in this Regulation,
tion to such Magistrate, by the
able property within the limits
to the person from whom the

Jurisdiction of Magistrate.

icular, and without prejudice to the genera-
g power, the Government shall have power

time, place and the conduct of meet-
chayets ~~and quorum~~;

Quorum is already provided for. (vide Sec 17). Hence it is proposed to be omitted here.

person is an owner or occupier of any
all not be necessary to name the owner
ocument, and in the case of joint owners
be sufficient to serve it on, or send it to,
occupiers.

no remarks

Section 60 — Sub-section (2)

(b) Compound for a similar sum any of the offences aforesaid and withdraw from the prosecution instituted under this regulation or any rule thereunder.

Nil

(Give Cancer number)

60A ?

Section 61

(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:—

(f) regarding the time, place and the conduct of meetings of Panchayets and quorum;

Section 65

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

Section 60

(b) Compound of the a
any ha
may d
with a
institu
or anv

60A

Municipal Council may prosecute.

[61

ecution for
proceedings
and for the
the provi
under, and n
other procee

Provide
this Regulat
next after th

(2) Any prosecu
any by-laws thereund
provided, be instituted
fine or penalty imposed
lation or any by-law
compensation or othe
no special provision is
may be recovered on ap
distress and sale of any
of his jurisdiction belo
money is claimable

Section 61

(2) In pa
lity of the foreg
to make rules:—

(f) regarding t
ings of

Section 65

(2) When
building or land,
or occupier in t
and occupiers it s
any one of such owner

(a) has completed
21 years of age;
(b) is a resident of
the village or
villages for which
a panchayet is to
be established
(c) was, during the
year immediately
preceding the elec-
tion of the
members of the
Panchayet, assessed
to a tax of half
a rupee or more on

Provision as altered by Select Committee.

5 A. If two-thirds of the [illegible]er of voters in a village included within the l[illegible] of any village Panchayet having jurisdiction [illegible]r more than one village elect to be included w[illegible]hin the limits of any other village Panchayet, s[illegible] village may with the consent of the latter Vill[illegible] Panchayet be so included and after a period of [illegible]ve years may similarly be included in another V[illegible]age Panchayet.

(2) If two-thirds of the num[illegible]r of voters in any village included within the li[illegible]ts of any village Panchayet elect to be a Hamlet [illegible] shall be constituted into a hamlet and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation.

(3) It shall be open to a Hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a Hamlet.

Reasons for the change.

As Village Panchayets are to have perpetual succession it is necessary to provide for changes that may be necessary in the course of time.

Provision is proposed to be made to allow a village the choice to get out of one Panchayet and be included in another. This may become necessary for various causes.

Provision is also proposed to be made to allow a Village to separate itself and manage its own affairs. In Malnad particularly this may be a necessity.

A hamlet is proposed to be able to join a village Panchayet with the consent of the latter, after the expiry of five years.

These proposals are intended to help self-determination but not too frequently.

6. Every person who--
(a) has completed
21 years of age;
b) is a resident of
the village or
villages for which
a panchayet is to
be established
(c) was, during the
year immediately
preceding the elec-
tion of the
members of the
Panchayet, assessed
to a tax of half
a rupee or more on

Every person who is a resident of the village and has completed his twenty first year shall be entitled to vote at an election of members of the Panchayet.

As in Bombay and Madras it is proposed to give every adult the right to vote so long as he is a resident of the village. Twenty one years is taken as the age of an adult rather than 25 which is adopted in Madras and Bombay and females are also allowed to vote.

1. Preamble

Provision in the Bill

Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State ; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Mysore Village Panchayet Regulation, 1925. Short Title.

(2) × × ×

3 × × ×

2. On and from the date on which this Regulation comes into force in any district or part of a district, Repeal.

(*a*) the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district;

(*b*) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation ; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation;

(*c*) when in consequence of the repeal of the enactments referred to in sub-section (*a*) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.

(1) (2)

Provision

[There was village decisio the matt

1.(1)This Regu Panchayet Regulati

(2

(3)

Provided that it s of this Regulation, to manner prescribed in under, but such electi ment of this Regulatic

2.(1)On and from into force in any dist (a) the whole tion, 1 Village relates in such

Provided (b) that all ru officers created shall b passed this R

(2)When in ments Pancha ties of Pancha determi

any tax, cess, ments repeale in part by the under the pro

as altered by the Select Committee

for the change

a discussion to alter the preamble, as 'fair' was not considered a suitable term. No decision was arrived at. The idea was to [illegible] after finishing the Bill.]

tion may be called the Mysore Village Short Title
, 1925.

The year will be entered when the Bill is to be passed.

all be lawful, at any time after the passing ... old ~~any~~ elections in any District ~~in the~~ as his Regulation or the rules framed there- shall not take effect till the commence- in that District. or part of District

of part of a District

This is to provide for elections before the Regulation is introduced in any area, so that a Panchayat may be established as soon as the Regulation is brought into force in the area. ~~[illegible]~~ otherwise there will be an interregnum.

he date on which this Regulation comes Repeal.
ct or part of a district, ~~the whole~~
f the Mysore Village Sanitation Regula- 08, and the Mysore Local Boards and anchayets Regulation, 1918, so far as it Village Panchayets, shall be repealed istrict or part of a district:

Clause (b) is really a proviso to clause (a) and clause (c) is an independent clause. The Section is recast to bring this about.

The portion relating to recovery of dues, with shall logically come after & form part of Clause (c). This is also effected in the Section as recast.

that

s made, proceedings taken, orders passed ppointed, powers conferred and rights under any of the enactments so repealed deemed to have been made, taken appointed, conferred or created under gulation.

nsequence of the repeal of the enact- referred to in sub-section (1) any et ceases to exist, the assets and liabili- such Panchayet shall devolve on such et or Panchayets as the Government may ne, and all sums due on account of fine or fee imposed by the enact- l shall, unless remitted in whole or Deputy Commissioner, be realised visions of this Regulation

recovered

'Recovered' is substituted for 'realised', as being more correct

(Add to Section 2)

ulation, unless there is something repug- Interpretation
or context.

The definitions are arranged in alphabetical order. Two more definitions are added & the definition of 'village' is added to so as to include a 'Dakki' village. The portion relating a Sanitary Board in Jahagir in the definition of 'village' is left out as the Sanitary Board has no objection to the Regulation being applied to villages under its control and Govt have power under Sec 2 to apply the Regulation to any such portion of the District as it fit

Amildar" includes a Deputy Amildar.

ng" includes a house, shop, warehouse, work-

ict" means any local area which, for the pur-
tion of land revenue, shall have been placed
under the charge of a Deputy Commissioner

ict Board" means any Board constituted
ns of the Mysore District Boards Regulation,

and a Village the Village Panchayet of which the voters of the Village as provided for in Sec 5A;

ayet" means the body of persons constituted
tion for carrying out all or any of the pur-
lation;

ayetdar" means a member of a Panchayet;

ribed" means prescribed by the rules made
tion;

includes a Sub-Taluk;

" means a local area recognised by Gov-
to time as a village for purposes of collect-
and includes an alienated village, but shall
area constituted into a Municipality

(a Dhakki village and

forest" means a forest constituted as such
orest Regulation;

3. In this Regulation, unless there is something repugnant in the subject or context, Interpretation

(1) "building" includes a house, shop, warehouse, workshop, hut and shed ;

(2) "village forest" means a forest constituted as such under the Mysore Forest Regulation;

(3) "panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation;

(4) "panchayetdar" means a member of a Panchayet;

(5) "prescribed" means prescribed by the rules made under this Regulation;

(6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of Yelandur and Sringeri ;

(7) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District;

(8) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, 1925;

(9) "Amildar" includes a Deputy Amildar.

(1) In any District or part of a District to which this
ion has been applied, the Deputy Commissioner shall,
to such rules or orders as may be made by Government
behalf, establish a Panchayet for every village or group
ent villages, and shall have power, by a notification in
ial gazette, to vary as occasion may demand, the group-
illages.

"Adjacent" is proposed to be replaced by "adjoining" as the correct word of adjoining

Panchayet shall be a body corporate by such
ty Commissioner may determine and shall
cession and a common seal, and shall by the
l be sued. Subject to any rules made by

his behalf, it shall also have power to acquire,
property, movable or immovable, to enter into
within or without the limits of the
which it has authority to enter into

all things necessary for all or any of the
gulation.

There is no objection to a Panchayet acquiring & holding property outside its limits, subject as such acquisition is to the rules framed by the Govt. Section is recast accordingly. This is in accordance with the corresponding provision in D.B. Act.

Strength of the Panchayets and the Election or nomination of Members.

anchayet shall consist of such number of
han 7 nor more than 12 as the Government
may be fixed by the
ommissioner subject to the
framed by the Government in this behalf.

a Panchayet is constituted for more than
Deputy Commissioner shall determine the
rs to represent each such village.

(1) Fixing of the strength of a Panchayet or Panchayets need not come up to Govt. The Deputy Comm may fix the strength subject to rules framed by Govt. The Minimum number for a Panchayet is proposed to be raised to 7, as thereby the quorum which is fixed at 1/3 as in Sec 17 will be equal to the total strength.

(2) Only the elected element in each village need be determined by the deputy Comm. Any inequalities will be set right by nomination.

bers of the Panchayet may be shall be residents of
e or group of villages for which the
yet is established, and may, as
rnment may direct, be —

(3) Residence in the village or group of villages is proposed to be prescribed as a necessary qualification for members. The words "as the Govt may direct" apply to govern both sub-clauses (i) & (ii) hence are proposed to be removed from (ii) & inserted at the beginning of (3).

y elected by the residents of the village or villages;

ed and partly nominated as the Gov-

e the members are to be partly elected
he number to be elected shall not be
al number of members of the Pancha-

s shall be elected in the manner pre-

es due either to want of qualified can-
lect the full number of members which
t be elected, may, notwithstanding any-
Regulation, be filled up by nomination
ssioner, and any person so nominated
duly elected member as if he had been duly elected.

required

(5) 'Qualified' is unnecessary & 'required' is a more appropriate word than 'full'. A nominated member cannot be an elected member, but can only be treated as an elected member in regards to rights & privileges &c. Hence the change proposed.

Establishment and incorporation of Panchayets.

4. (1) In any District or part of a District to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, by a notification in the official gazette, to vary as occasion may demand, the grouping of villages.

× × ×

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.

Strength of the Panchayets and the Election or nomination of Members.

5. (1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.

(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village.

(3) The members of the Panchayet may be,

(i) either wholly elected by the residents of the village; or

(ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.

Provided that where the members are to be partly elected and partly nominated, the number to be elected shall not be less than half of the total number of members of the Panchayet.

(4) The members shall be elected in the manner prescribed.

× × ×

(5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.

~~a~~ person who is a resident village and has completed his first year shall be entitled at an election of ~~Panchayatdars~~ of the Panchayat.

As in Bombay & Madras it is proposed to ~~adopt a standard of voting~~ give every adult ~~person~~ the right to vote, so long as ~~the person~~ he is a resident of the village. Twenty one years is taken as the age of an adult rather than 25 which is adopted in Madras & Bombay & females are also allowed to vote.

may vote —

, convicted by a Criminal Court for an offence punishable with imprisonment for a term of six months, such conviction not having been reversed or the offence pardoned; or

, adjudicated an insolvent; or

The Select Committee is of opinion (c) that the nature of the offence is a more accurate index of character than the punishment awarded or suffered. ~~that ought to count.~~ People may get off with a fine, for offences which are grave involve moral turpitude. and as the proposed changes in the Penal Code provide for certain offenders not being convicted it is believed that so long as the 3 year rule given below, all cases are adequately provided for (d) only an adjudged insolvent should be disqualified & not one who merely applies for insolvency

as judged by the Courts for the time being

to that the disqualifications in clauses will cease to operate after expiry of three date of such removal, conviction or the disqualification in clause (e), after expiry of the period during which ~~he~~ to furnish Security.

The Committee is of opinion that disqualifications should not be permanent. It is proposed therefore to fix a period of three years in each case, during which the disqualification will last ~~from the date of~~ issuing one election in the case of security for good behaviour, the period during which security is ordered to be furnished shall be the period of disqualification

i.e., during one election

Qualifications of voters.

6. Every person who—

(*a*) has completed 21 years of age;

(*b*) is a resident of the village or villages for which a Panchayet is to be established;

(*c*) was, during the year immediately preceding the election of the members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and *hittals* within the village; and

(*d*) is not subject to any of the disqualifications mentioned in section 7;

shall be entitled to vote at an election of members of the Panchayet.

Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.

Disqualification of voter

7. No person may vote,

(*c*) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,

(*d*) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or

(*e*) who has been ordered to find security for good behaviour under the Code of Criminal Procedure, 1904.

Proof for appl
Bill
14/12/25

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL, BANGALORE.

Notification No. 3403, *dated* 12*th December* 1925.

Under Rule 49 of the Rules for the conduct business of the Mysore Legislative Council, the following Report of the Select Committee on the Mysore Village Panchayet Bill is published for general information with the Bill as amended by them.

By Order,
R. RANGA RAO,
Secretary,
Mysore Legislative Council.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE VILLAGE PANCHAYET BILL.

We the members of the Select Committee appointed to consider the Village Panchayet Bill met and considered the Bill at 4 sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(SD.) M. RAMACHANDRA RAO.
,, B. NAGAPPA.
,, C. S. BALASUNDARAM IYER.
,, S. HIRIANNAIYA.
,, D. H. CHANDRASEKHARAIYA.
,, K. P. PUTTANNA CHETTY.
,, H. CHENNAIYA.
,, MAHOMED ABBAS KHAN.
,, K. MATTHAN.
,, B. NARASINGA RAO.
,, K. CHANDY (*Chairman*)

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Whereas it is expedient to make better provision for the administration of village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State; It is hereby enacted as follows:—	Where as it is expedient to make better provision for the administration of local affairs of villages by the inhabitants thereof; It is hereby enacted as follows:— Preamble.	The words "Village affairs" and "villagers" are replaced by "Local affairs of villages" and "inhabitants," as more appropriate. The words omitted are redundant.
1. This Regulation may be called the Mysore Village Panchayet Regulation, 1925.	1. (1) This Regulation may be called the Mysore Village Panchayet Regulation. Short title.	The year will be entered when the Bill is passed.
	(2) x x x	
	(3) x x x	
	Provided that it shall be lawful, at any time after the passing of this Regulation, to hold elections in any district or part of a district for the purpose of this Regulation, in accordance with the rules framed thereunder, but such elections shall not take effect till the commencement of this Regulation in that District or part of District.	This is to provide for elections before the Regulation is introduced in any area, so that a Panchayet may be established as soon as the Regulation is brought into force in the area. Otherwise there will be an interregnum.
2. On and from the date on which this Regulation comes into force in any district or part of a district,	2. (1) On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets shall be repealed in such district or part of a district: Repeal.	Sub-Clause (*b*) is really a proviso to sub-clause (*a*) and sub-clause (*c*) is an independent part of the clause. The clause is accordingly recast.
(*a*) the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918 so far as it relates to Village Panchayets shall be repealed in such district or part of a district;		
(*b*) but all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation; and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be realised under the provisions of this Regulation;	Provided that all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.	The portion relating to recovery of dues in (*b*) should logically come after and form part of sub-clause (*c*). This is also effected in the clause as recast.
(*c*) when in consequence of the repeal of the enactments referred to in sub-section (*a*) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.	(2) When in consequence of the repeal of the enactments referred to in sub-section (1) any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be recovered under the provisions of this Regulation.	'Recovered' is substituted for 'realised,' as being more correct.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
3. In this Regulation, unless there is something repugnant in the subject or context, (1) "building" includes a house, shop, warehouse, workshop, hut and shed ; (2) "village forest" means a forest constituted as such under the Mysore Forest Regulation ; (3) "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation ; (4) "Panchayetdar" means a member of a Panchayet ; (5) "Prescribed" means prescribed by the rules made under this Regulation ; (6) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but shall not include a local area constituted into a Municipality or placed under the control of a Sanitary Board constituted under the Mysore Mines Regulation, 1906, or the Jahgirs of Yelandur and Sringeri ; (7) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District ; (8) "District Board" means any Board constituted under the provision of the Mysore District Boards Regulation, 1925 ; (9) "Amildar" includes a Deputy Amildar.	3. In this Regulation, unless there is something repugnant in the subject or context, Interpretation. (1) "Amildar" includes a Deputy Amildar. (2) "building" includes a house, shop, warehouse, workshop, hut and shed ; (3) "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District ; (4) "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation ; (5) "Hamlet" means a village, the village Panchayet of which consists of all the voters of the village as provided in Section 5 A ; (6) "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation ; (7) "Panchayetdar" means a member of a Panchayet ; (8) "Prescribed" means prescribed by rules made under this Regulation ; (9) "Taluk" includes a sub-taluk ; (10) "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes a Dhakle village and an alienated village, but does not include a local area constituted into a Municipality. (11) "Village Forest" means a forest constituted as such under the Mysore Forest Regulation ;	The definitions are arranged in alphabetical order. Two more definitions are added and the definition of 'village' is added to so as to include a 'dhakle' village. The portion relating to a Sanitary Board and the Jahgirs in the definition of 'village' is left out as the Sanitary Board has no objection to the Regulation being applied to villages under its control and Government have power under sub-clause (3) of clause 1 to apply the Regulation to only such portion of a district as they deem fit.
4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjacent villages, and shall have power, by a notification in the Official Gazette, to vary as occasion may demand, the grouping of villages.	4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of adjoining villages, and shall have power, by a notification in the Official Gazette, to vary as occasion may demand, the grouping of villages. Establishment and incorporation of Panchayets	"Adjacent" is proposed to be replaced by "adjoining" as the correct word.
x x x x x	x x x x x	

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, whether within or without the limits of the area over which it has authority, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding property, outside its limits, subject, as such acquisition is, to the rules framed by the Government. The clause is re-cast accordingly. This is in accordance with the corresponding provision in the District Boards Bill.
5. (1) A Panchayet shall consist of such number of members not less than 5 nor more than 12 as the Government may fix in this behalf.	5. (1) A Panchayet shall consist of such number of members not less than 7 and not more than 12 as may be fixed by the Deputy Commissioner subject to the rules framed by the Government in this behalf. Strength of the Panchayets and the election or nomination of members.	(1) Fixing of the strength of a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is proposed to be raised to 7, as otherwise, the quorum which is fixed at 5 in clause 17 will be equal to the total strength.
(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village. (3) The members of the Panchayet may be, (i) either wholly elected by the residents of the village; or (ii) partly elected and partly nominated as the Government may direct by a notification in this behalf.	(2) The members of a Panchayet shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct, be (i) either wholly elected by the residents of the village or villages, (ii) partly elected and partly nominated.	Sub-clause (3) should precede sub-clause (2) as it defines the constitution. Residence in the village or group of villages is prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both paras (i) and (ii) and are inserted at the beginning of the sub-clause.
	(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.	It is the elected element in each village that has to be determined by the Deputy Commissioner in order that every constituent village may have representation. Nominations are intended chiefly to safeguard the interests of minorities not adequately represented by election.
(4) (5) Any vacancies due either to want of qualified candidates or to failure to elect the full number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a duly elected member.	(4) (5) Any vacancies due either to want of candidates or to failure to elect the required number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member as if he had been duly elected.	(5) The word "qualified" is unnecessary and "required" is a more appropriate word than "full." A nominated member cannot be an elected member but can only be treated as an elected member in regard to rights and privileges, etc. Hence the change.

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
Conditions under which a village under a Panchayet may be included under another Panchayet, etc.	5.A. If two-thirds of the number of voters in a village included within the limits of any village Panchayet having jurisdiction over more than one village elect to be included within the limits of any other village Panchayet, such village may with the consent of the latter Village Panchayet be so included and after a period of not less than five years may similarly be included in another Village Panchayet. (2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to have their village constituted into a hamlet, it may be so constituted and thereafter all the voters in the said village shall perform for the village all the duties and shall have all the powers of a Village Panchayet under this Regulation. (3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet provided that a period of five years has elapsed after it elected to become a hamlet.	As Village Panchayets are to have perpetual succession it is necessary to provide for changes that may be necessary in the course of time. Provision is made to allow the inhabitants of a village the choice to get out of the jurisdiction of a Panchayet and be included in that of another. This may become necessary for various causes. Provision is also made to allow the inhabitants of a village to separate themselves and manage their own affairs. In the Malnad particularly, this may be a necessity. A hamlet that has separated should also have power to rejoin a Village Panchayet with the consent of the latter after the expiry of 5 years. The changes are made in order to give effect to the wishes of the villagers from time to time and not too frequently.
Nil.		
6. Every person who— (*a*) has completed 21 years of age; (*b*) is a resident of the village or villages for which a panchayet is to be established; (*c*) was, during the year immediately preceding the election of members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and hittals within the village; and (*d*) is not subject to any of the disqualifications mentioned in Section 7; shall be entitled to vote at an election of members of the Panchayet. Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.	6. Every person who is a resident of a village and has completed twenty-one years of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless disqualified. Qualifications of voters.	As in Bombay and Madras every adult may be given the right to vote so long as he is a resident of the village. Twenty-one years is taken as the age of an adult rather than 25 which is adopted in Madras and Bombay. Women will also be allowed to vote. The right to vote can be exercised only when the person is not otherwise disqualified.

7. No person may vote, (*a*) x x x (*b*) x x x (*c*) who is sentenced by a Criminal Court to transportation or imprisonment for a period of more than one month, such sentence not having been reversed or the offence pardoned; or,	7. No person may vote— (*a*) x x x (*b*) x x x (*c*) who is convicted by a Criminal Court of an offence punishable with imprisonment for a term exceeding six months, such conviction not having been subsequently reversed or the offence pardoned; or	Disqualifications of voters.
(*d*) who applies to be adjudicated or is adjudicated a bankrupt or insolvent; or	(*d*) who is adjudicated an insolvent; or	
(*e*) x x x	(*e*) x x x (1) Provided that the disqualification under Clause (*b*) will cease to operate after the expiry of three years from the date of such removal. (2) Under Clause (*c*) will, in the case of a person sentenced to a fine only or to imprisonment for a term not exceeding three months, cease to operate after one year after the expiry of the sentence, and in another cases after three years after the expiry of the sentence. (3) Under Clause (*e*) will cease to operate after expiry of the period during which the person is ordered to furnish security.	
10. Subject to such rules as may be made by Government in this behalf, every Panchayet shall appoint a Secretary from among its members.	10. Subject to such rules as may be made by the Government in this behalf, every Panchayet may appoint a Secretary from among its members who shall perform such duties as may be prescribed.	Secretary for Panchayet.

and proviso

The committee consider that in prescribing the period of disqualification both the nature of the offence and the actual punishment awarded should be taken into consideration and the period of disqualification for persons who suffer imprisonment for more than three months is therefore made longer than that for those who are sentenced only to a fine or imprisonment for not more than three months. In the District Boards Bill the Select Committee propose to give Government the power to exempt at an earlier period than three years; but as the number of cases likely to require exemption under a system of adult suffrage under the Village Panchayet Regulation might be very large, a general rule is considered preferable to one involving reference to Government in each case.

Only an adjudged insolvent should be disqualified and not one who merely applies for insolvency.

Vide reason against sub-clause (*c*) above.

The period during which security is ordered to be furnished should be the period of disqualification in this case.

Appointment of a Secretary should be optional and his duties should be fixed.

Clauses which require amendment	Clauses as amended by the Select Committee		Reasons for the change
11. Except as is otherwise provided in this Regulation or in any other law for the time being in force, members of panchayets shall hold office for a term of three years, extensible by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner shall think fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.	11. Except as is otherwise provided in this Regulation members of Panchayets shall hold office for a term of three years which may be extended by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner thinks fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a chairman shall be coterminous with or be the residue of his term of office as a Panchayetdar.	Term of Office of Panchayetdar or Chairman.	The words "or in any other law for the time being in force" are unnecessary and are therefore omitted. "thinks fit" is substituted for "shall think fit" as more appropriate.
13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed, under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting.	13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. The order of the Deputy Commissioner shall be final.	Removal of members.	As the removal is on the recommendation of a Panchayet and the member has opportunity of being heard, the decision of the Deputy Commissioner should be final.
14. The Deputy Commissioner shall remove a chairman from his office for misconduct or neglect of, or incapacity to perform, his duty. Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.	14. The Deputy Commissioner may remove a chairman from his office for misconduct, or negelect of, or incapacity to perform, his duty or for any disgraceful conduct, after giving him on opportunity of being heard and after such enquiry as the Deputy Commissioner deems necessary. An appeal shall lie to Government from the order of the Deputy Commissioner.	Removal of Chairman.	Power to a remove a chairman should be discretionary not and obligatory. The Chairman should be given an opportunity to state his case and if necessary an enquiry should be held. The Chairman should be liable to be removed for disgraceful conduct also. The clause is recast accordingly.
16. When the office of a Chairman or Panchayetdar become vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar ~~shall hold office so long as the Chairman or Panchayetdar~~ whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary shall be in charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.	16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such chairman or Panchayetdar shall hold office so long as chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary if any or any member selected by the Panchayet shall be in charge of the office of the Chairman during a casual vacancy and pending the appointment or election of a new Chairman.	Filling of casual vacancies.	The addition made is necessary as the appointment of a Secretary is only optional (*Vide* change proposed in ~~Section~~ 10.
17. (1) A Panchayet shall meet for the transaction of business at such time and place, and follow such procedure as may be prescribed.	17. (1) A panchayet shall, in the transaction of business, follow such procedure as may be prescribed.	Business how transacted.	General rules prescribing the time and place of the meetings are sufficient and hence the change.

Nil		
Nil		
(2) x x x (3) x x x		
19. It shall be the duty of a panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters :— (i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges ;	(2) The quorum for a meeting of the Panchayet shall be not less than one-half of the whole number of members of the Panchayet and shall not be less than five in any case, provided that in the case of a hamlet it shall be a bare majority of the voters in the hamlet. (3) Except as otherwise provided all questions before a Panchayet shall be decided by a majority of the voters of the members present and voting. (4) x x x (5) x x x 19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters :— (i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges but not including those under the control of any other local body or of Government ;	Quorum Questions to be generally decided by majority of votes. Obligatory duties.
x x x x (iv) Extension of village sites and regulation of buildings.	x x x (iv) Regulation of buildings ...	
x x x x Nil	x x x (xii) Supply of water for domestic use	
20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters. (i) Supply of water for domestic use (ii) Enforcement of vaccination Nil (vi) Excavation and maintenance of ponds for animals ;	20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters :— (i) Omitted ... (ii) Omitted ... (iv) Extension of village sites x x (v) Excavation and maintenance of ponds for the supply of water to animals.	Discretionary duties.
x x (ix) Taking measures for the economic improvement of the area in matters of education, agriculture, rural industries and trade ; and	x x x (viii) Development of education, agriculture, co-operation, rural industries and trade ; and	
x x x x	x x x	

Questions are to be decided by majority of votes. This matter may not be left to rules, as also the quorum for meetings. Hence the addition of two more sub-clauses after sub-clause (1).
The roads and bridges which a Panchayet should be in charge of are defined.
"Extension of village sites" is brought under the optional duties of Panchayets.
This item is brought under the obligatory duties of Panchayets.
Vide clause 19. Brought under obligatory duties. This is the duty of the District Board and hence omitted. *Vide* clause 19. Treated as optional duty. The addition calls for no remark
'Development' is an appropriate word. There can be no *economic* improvement of education and like matters and hence the change ; Co-operation is also included.

Clauses which require amendment	Clauses as amended by the Select Committee	Reasons for the change
21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.	21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet the management and control of grazing in hulbanni and gomal lands and the management, protection and maintenance of Village Forests whether reserved for fuel and fodder or for other purposes.	Transfer of grazing and Forests to Panchayets. Power is taken to transfer control over grazing in hulbanni and gomal lands, if found desirable.
22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions that a Panchayet constituted under the Tank Panchayet Regulation, 1911, may exercise and discharge.	22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions of a Panchayet constituted under the Tank Panchayet Regulation, 1911, notwithstanding anything contained in Section 3 of that Regulation.	Vesting Panchayets with functions under the Tank Panchayet Regulation. A Tank Panchayet is constituted in a special manner under Section 3 of the Tank Panchayet Regulation. The powers and functions of a Tank Panchayet may be given to a Village Panchayet notwithstanding the provisions of the said section. This is to avoid each case coming up to Government for approval. General rules may be framed by Government leaving the terms, etc., to the bodies concerned.
23. Subject to the approval of the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, make over to it, subject to such conditions as may be agreed upon the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which a Panchayet has got control.	23. Subject to such rules as may be prescribed by the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet and subject to such conditions as may be agreed upon, make over to it the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which it has got control.	Institutions or works may be transferred to Panchayet. No rules are needed for the transfer of the management of muzrai institutions or supervision over schools. The transfer may be effected by an order of Government. Rules may be necessary as regards the directions to be observed during management or supervision. The clause is modified accordingly.
24. The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet subject to such rules or orders as may be passed from time to time.	24. The Government may, by a general or special order, entrust the management of minor Muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet and prescribe such rules as may be necessary for their management and supervision.	Panchayet to exercise powers of school committees and manage Minor Muzrai Institutions.
26. A panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections 27,28,29,30,31 and 32.	26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in sections, 27, 28,29,30 31 and 32, Provided that the Panchayet may appoint committees to perform any of these functions	General power. It is desirable to provide for the appointment of Committees to perform certain functions. The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work.
27. The Panchayet xxx and may:—	27. The Panchayet x x x and may.—	A fresh sub-clause rewidening, enlarging, etc., of roads and bridges is added. Such a provision exists in the Madras Act.
(a) lay out and make new roads;	(a) lay out and make new roads;	
(b) construct new bridges;	(b) construct new bridges;	
(c) divert, discontinue or close any road or bridge.	(c) widen, open enlarge, or otherwise improve any road or bridge;	
(d) x x x x	(d) divert, discontinue or close any road or bridge;	
	(e) x x x	

28. (1) Subject to such rules as may be prescribed by the Government in this behalf, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Provided that permission shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.	28. Subject to such rules as may be prescribed no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. Such permission shall not be refused except for the person of the site being unsuited on sanitary grounds and it shall be presumed to have been granted if its refusal is not communicated within month of the receipt of the application.	'Prescribed' is defined in the Regulation Hence the words omitted are redundant. There is no indication as to when and on what grounds permission to build can be refused. It is made clear that permission can be refused only if the site is unsuited for building on sanitary grounds.
30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction.— (*a*) the Panchayet shall have power to (i) construct, alter or remove public drains; (ii) establish burning ghats and burial grounds and (iii) effect such other improvements as are necessary to improve the sanitary condition of the area. (*b*) The Panchayet may by a written notice, require within a reasonable period to be specified therein.—	30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction a Panchayet may, by a written notice, require within a reasonable period to be specified therein	Power as to sanitation, conservancy and drainage. The whole para (a) of sub-clause (1) is omitted. Clause 26 in conjunction with clause 19 provides for these matters.
x x x	x x x	
(2) If any work required by a notice under Clause (b) of sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in clause (b) of sub-section (1) as if it were a tax imposed under section 36.	(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under Section 35	Consequential changes. Section 36" is not the correct section. It ought to be "Section 35."
31. (3) The Panchayet may, by order, published at such places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well stream, or water course set apart for drinking or culinary purposes under sub-section (2).	31. (3) The Panchayet may, by order published at such places as it may think fit, prohibit (*a*) all bathing, washing of clothes and animals or other acts calculated to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purposes under sub-section (2) and (*b*) during epidemics the use of any source of water supply for drinking or culinary purpose or for the washing of clothes.	Power of Panchayet to provide for proper water supply. The existing sub-clause only provides against pollution of water. It is necessary to provide for cases where there may not be pollution, but there may be fear of infection or of spread of infection. ~~Sub-clause 13 (*b*)~~ Sub-clause 3(*b*) is therefore added.
33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants as may appear necessary to the Government and shall assign to them such pay, allowances, gratuities, pensions and contributions as the Government may direct.	33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants and shall assign to them such pay, allowances, gratuities, pensions and contributions as may be necessary.	Officers and servants. As appointments are subject to rules framed by Government, reference to Government in the latter portions of the clause is omitted.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee	Reasons for the change
34. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund" the accounts of which shall be kept in the manner prescribed.	34. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund." Panchayet fund and its application and investment.	The last 11 words are omitted and provision for maintaining accounts is made in clause 40 which is the proper clause.
Nil.	(2) The Government may by general or special order assign any specified revenue or make any grant to the Panchayet fund.	A new sub-clause is added as the Committee consider it desirable to have a provision for the assignment of revenue or the making of grants by Government.
(2) The Panchayet Fund shall be administered x x x (3) The Panchayet Fund shall be invested in the Government Savings Bank or with the approval of the Deputy Commissioner in a Co-operative Society. A Panchayet may from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.	(3) The Panchayet Fund shall be administered x x (4) The Panchayet Fund shall be lodged in the Government Savings Bank or in a Co-operative Society or Bank approved by the Deputy Commissioner or in such manner as may be prescribed. A Panchayet may, from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.	"Invested" would mean that the money may not be withdrawn whenever necessary. So it is proposed to be replaced by "Lodged". The Panchayets may also be empowered to deposit money in any Bank or in any other prescribed manner approved by the Deputy Commissioner. The clause is recast accordingly.
35. In every village a tax on houses, shops, vacant sites and hittals shall be levied subject to such rules and not exceeding such rates as shall be prescribed. Provided that it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals with the previous sanction of the Government.	35. (1) Every Panchayet shall levy in the manner prescribed, a tax on all houses, shops or places of trade or business, vacant sites, hittals and carts in the village or villages within its jurisdiction. Obligatory taxes.	Shops do not include places where any profession or similar business is carried on. Tax on carts is one of the items of Mohatarfa now collected and its omission perhaps is accidental. The clause is recast to include both the items.
	(2) The rates of such taxes shall not exceed the maxima that may be prescribed. (3) It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or a class of individuals, subject to such rules as may be prescribed in this behalf.	Calls for no remarks as there is no change in the sense. It is not necessary that each individual case for exemption should come up to Government. Exemptions may be made subject to the rules prescribed.
36.	36. (1) x x x x	

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess rate or fee is leviable, commute the payment of such cess into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.	Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.	The words 'of such cess' are omitted as commutation of payment into labour is to be permitted in the case of all taxes, rates and fees leviable under this clause.
Nil.	(2) Any such tax, cess, rate or fee may be cancelled with the previous sanction of the Government.	Provision for cancellation of a tax, etc., is necessary.
	36. A. (1) If at any time in the opinion of the Deputy Commissioner the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19, the Deputy Commissioner may call upon the Panchayet to take steps within six months to increase its income to such an amount as may be considered necessary. If the Panchayet fails to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to increase the rate of taxes imposed under Section 35. Increase of income.	Panchayets have got certain obligatory duties to perform under clause 19. They have discretion subject to the maxima to be prescribed by Government, to fix whatever rate they choose. They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory. To avoid an intentional attempt in this direction, a new clause is added. Such additional taxation should be imposed only under orders of the Deputy Commissioner of the District; and an appeal may lie to Government. This gives the Village Panchayet the maxima of autonomy consistent with the safety of the people.
	Provided that in no circumstances shall the Deputy Commissioner have power to require the rates of taxes to be increased beyond the maxima prescribed.	
	(2) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.	
37. No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than in accordance with the rules made under this Regulation.	37. Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided in accordance with the rules made under this Regulation. Objection in respect of liability to assessment.	The clause is recast, so as to put the idea in the positive form.
38. (1) x x x	38. (1) x x x	
(2) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.	(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1)	The order of sub-clauses (2) and (3) is reversed as being more logical.
(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall recover the same by distraint and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).	(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.	

Clauses of the Bill which require amendment	Clauses as amended by the Select Committe	Reasons for the change
(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (3), the Deputy Commissioner of any district or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account certified by a Chairman or an Amildar and after holding such enquiry, if any, as he thinks fit.	(4) If the taxes or other dues cannot be recovered under sub-sections (1) and (2) a statement of account shall be prepared by the Amildar and such statement when certified by the Deputy Commissioner, shall be conclusive evidence of the existence of the arrear, of the amount due, and of the person who is the defaulter. On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any district to recover the dues as an arrear of land revenue, as if the demand arose in his own district.	As dues arising in one district may have to be recovered in another district the dues should be certified by the Deputy Commissioner as in the Land Revenue Code.
(5) x x	(5) x x x	
	(6) No proceedings shall be taken under sub-section (4) and no suit shall be instituted under sub-section (5) more than 3 years after the amount become due.	A period of three years is fixed for the institution of a suit for recovery of dues or for their recovery as an arrear of land revenue.
39. (1) Every Panchayet shall submit annually to the Amildar having jurisdiction on or before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.	39. (1) Subject to such rules as may be prescribed, every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and forward it to the Amildar having jurisdiction. Annual budget of Panchayets.	Verbal changes calling for no remarks. Submission of a report of the proceedings of Panchayets need not be provided for by regulation.
(2) x x x x	(2) x x x x	
(3) No expenditure which is not provided for in the estimate as approved by the Amildar shall be incurred during the year to which the estimate relates without the previous sanction of the Deputy Commissioner.	(3) No expenditure which is not provided for in the Budget as passed by the Amildar shall be incurred without the previous sanction of the Amildar.	Verbal changes. "Passed" is the word used in the previous sub-clause; and includes cases in which the budgets are not returned by the Amildar within a month.
40. Accounts of all the receipts and expenditure of every Panchayet shall be made up to the last day of every official year in such form as the Government from time to time prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.	40. Accounts of all the receipts and expenditure of every Panchayet shall be maintained every official year in such form as the Government may prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf. Annual accounts and audit.	*Vide* Clause 34. Provision for the maintenance of accounts is added.
41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the district.	41. The Deputy Commissioner of the District shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the district. Deputy Commissioner to be Chief Controlling authority.	Calls for no remark.
42. The Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk.	42. Subject to general control of the Deputy Commissioner of the District, the Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk except those specified in sections 4, 5, 13, 14, 36A, 45, 52 and 55. Assistant Commissioner to exercise powers of Deputy Commissioner	The Assistant Commissioner cannot exercise all the powers of a Deputy Commissioner. Certain sections are excluded from the operation of this clause and the Assistant Commissioner, even when exercising the powers of a Deputy Commissioner should do so under the general control of the latter.

45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty—whether obligatory, discretionery or delegated under this Regulation—annul any proceedings which he considers not to be in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government against the order of the Deputy Commissioner.	45. The Deputy Commissioner may, by order in writing, require any Panchayet in his District to perform any duty whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers to be not in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government from the order of the Deputy Commissioner.	Power of Deputy Commissioners. "From" is substituted for "against" as the proper word.
46. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar and any other officer empowered by Government in this behalf, shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.	46. (1) The Deputy Commissioner and the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions. (2) Any officer authorised by the Deputy Commissioner in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the District.	Inspection of records. "Assistant Commissioner" is omitted, because under clause 42, he exercises the powers of the Deputy Commissioner. Any other officer has no jurisdiction over Panchayets and hence his powers of inspection, etc., under the authority of the Deputy Commissioner are delegated to a separate sub-clause. *Vide* reasons under clause 46.
47. The Deputy Commissioner, the Assistant Commissioner in charge of a taluk or taluks, the Amildar or any other officer empowered by Government in this behalf, shall, in respect of Panchayets within his jurisdiction have power at all times— (*a*) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet; (*b*) to call for any inspect any document which may be for the purpose of this Regulation in the possession or under the control of a Panchayet; (*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; and may give such advice in respect of the administrative work and proceedings as he thinks fit.	47. (1) The Deputy Commissioner and the Amildar shall, in respect of Panchayets within their jurisdiction have power at all times— (*a*) to enter on and inspect or cause to be entered on and inspected, any immoveable property occupied by or any work in progress under the orders of, or any institution controlled by a Panchayet; (*b*) to call for and inspect for the purposes of this Regulation any document which may be in the possession or under the control of a Panchayet; and (*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit. (2) Any officer authorised by Government in this behalf may exercise the powers of an Amildar or a Deputy Commissioner as the case may be in respect of a Panchayet or Panchayets.	Inspection of property or work. A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change. The portion relating to the giving of advice is deleted. *Vide* reason given under clause 46.
48. The Government may appoint for each taluk one or more Inspectors of Panchayet to secure better supervision over Panchayets and to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	48. The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	Appointment of Inspectors. As the Inspector discharges such functions as are assigned to him, the portion relating to his supervision is omitted.

Clauses of the Bill which require amendment	Clauses as amended by the Select Committee		Reasons for the change
49. (1) when the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty imopsed on it by or under this Regulation, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default may, by any order in writing, fix a period for the performance of that duty.	49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty under Section 19, the Amildar, if satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.	Power to provide for performance of duties in default of Panchayet.	The powers of an Amildar under this clause should be confined to the non-performance of obligatory duties only.
50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his Taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause the injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.	50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.	Power to suspend execution of orders, etc.	The word 'the' is out of place and is omitted.
(2) When the Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of the reason for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to dirict that it shall continue in force with or without modification permanently or for such period as he thinks fit.	(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of reasons for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.		Calls for no remarks.
51 (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his Taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service, or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.	51. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. He shall forthwith communicate his order with the reasons therefor to the Panchayet and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet:	Extraordinary power of an Amildar in cases of emergency.	The powers conferred by this clause are extraordinary and are to be used only in cases of emergency. Hence the exercise of these powers is limited only to cases where the safety of the public is concerned. The Panchayet should be informed of the order passed.

52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or otherwise bye-law, or exceeds or abuses its powers, the Deputy Commissioner having jurisdiction may, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supercede it for a period to be specified in the order.

(2) x x x
(3) x x x

53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie against an order of

(*a*) the Panchayet in a Taluk to the Amildar of the Taluk;

(*b*) the Amildar, to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

(*c*) the Assistant Commissioner, to the Deputy Commissioner; and shall be preferred within fifteen days of the date of the order.

(2) The Decision of the Deputy Commissioner shall be final.

55. (1) If a dispute arises between a Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final:

Provided that, if the Deputy Commissioner as a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or by or under any law, or exceeds or abuses its powers, the Deputy Commissioner of the District may after giving such Panchayet an opportunity of being heard, by an order published, with the reasons for making it, in the Official Gazette, declare the Panchayet to be incompetent or in default or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order. Power to supersede Panchayet in case of incompetency default or abuse of powers.

(2) x x
(3) x x

(4) An appeal shall lie to Government from an order of the Deputy Commissioner under this section.

53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie from an order of Appeals.

(*a*) the Panchayet in a Taluk to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Asssistant Commissioner in charge;

(*b*) the Assistant Commissioner to the Deputy Commissioner and shall be preferred within thirty days of the date of the order and the decision of the Deputy Commissioner shall be final.

(2) Appeals to Government when expressly allowed under the Regulation shall be preferred within ninety days of the order of the Deputy Commissioner and the decision of the Government shall be final.

55. (1) If a dispute arises between a Municipal Council not being a City Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final: Disputes between a Municipal Council and a Panchayet.

Provided that, if the Deputy Commitsioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a City Municipal Council and a Panchayet or between a Muncipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

The Panchayet should be given an opportunity to state its case.

When a Panchayet is superseded an appeal should lie to Government. Hence the addition.

Calls for no remark.

As the Amildar generally controls the actions of the Panchayet and may be a party to any order of the Panchayet it is proposed that appeals for the orders of a Panchayet should lie to the Assistant Commissioner. The number of appeals is also curtailed and period of limitation is also extended to 30 days.

No limitation is prescribed for preferring appeals to Government. Hence the addition.

City Municipal Councils are not subordinate to the Deputy Commissioner. Hence the changes.

Clauses of the Bill which require amendment	Clause as amended by the Select Committee.		Reasons for the change
Nil.	55. A. Where a panchayet has been established under this Regulation for a village or villages under the control of a Sanitary Board constituted under the provisions of the Mysore Mines Regulation, the powers that may be exercised by the Amildar and the Assistant Commissioner under the Regulation, shall be exercised by the Vice-President of the Board, and the powers of the Deputy Commissioner, by the President of the Board. Provided that nothing contained in this Regulation shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics in the area under its control.	President and Vice-President of Sanitary Board to exercise powers of Deputy Commissioner and Assistant Commissioner.	*Vide* clause 3. The Sanitary Board, Kolar Gold Fields, has agreed to the constitution of Panchayets for villages under its control, subject to conditions which are detailed in this new clause.
57. (1) If after giving the member concern on a sufficient opportunity for showing cause to the contrary the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on his part, they may, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, waste or misapplication.	57 (1) If the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on the part of a member of the Panchayet, they may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary, by order in writing, direct such member to pay to the Panchayet before a date fixed the amount required to re-imburse it for such loss, waste or misapplication.	Liability of members for loss, waste or misapplication of property.	The clause is recast without altering the sense. Calls for no remarks.
58. (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority: Provided that the provisions of this Regulation have been in substance and effect complied with.	58. (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority if the provisions of this Regulation have been in substance and effect complied with.		Proviso is more a condition than a proviso. Hence the change.
60. (1) x x x x x x x x Shall on conviction before a Magistrate be liable to a fine not exceeding rupees fifty; x x	60. (1) x x x x x x x x Shall on conviction before a Magistrate be punished with fine which may extend to rupees fifty; x		"be punished with" is the usual formula and is substituted for "be liable to".
(2) (*b*) Compound for a similar sum any of the offences aforesaid and withdraw from the prosection instituted under this regulation or any rule thereunder.	(2) (*b*) Compound for a similar sum any of the aforesaid offences which under any law for the time being in force may lawfully be compounded and withdraw from the prosecution instituted under this Regulation or any rule thereunder.		Recast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, cannot be compounded.

Nil.	60A. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any offences under this Regulation, or of any other proceedings to be paid out of the Panchayet fund.	A provision similar to what exists in the Municipal Regulation regarding prosecutions for public nuisances is necessary.
	Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.	
Section 61.—	Section 61.—	
(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:—	(2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules:—	
x x x	x x x x	
(*f*) regarding the time, place and the conduct of meetings of Panchayets and quorum.	(*f*) regarding the time, place and the conduct of meetings of Panchayets	Quorum is already provided for. (*Vide* clause 17) Hence it is omitted here.
x x x	63 (1) x x x x	
Section 65 (1). x x		
(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.	(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, any one of such owners or occupiers.	No remarks.

(Roman Type)

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
3. In this Regulation, unless there is something repugnant in the subject or context, [(1)] "building" includes a house, shop, warehouse, workshop, hut and shed; [(2)] "village forest" means a forest constituted as such under the Mysore Forest Regulation; [(3)] "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation; [(4)] "Panchayetdar" means a member of a Panchayet; [(5)] "Prescribed" means prescribed by the rules made under this Regulation; [(6)] "Village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes an alienated village, but [shall] not include a local area constituted into a Municipality [or placed under the **control of a Sanitary Board** constituted under the Mysore Mines Regulation, 1906, or the **Jahgirs of Yelandur and Sringeri**]; [(7)] "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District; [(8)] "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation, [1925]; [(9)] "Amildar" includes a Deputy Amildar.	3. In this Regulation, unless there is something repugnant in the subject or context, Interpretation. [(1)] "Amildar" includes a Deputy Amildar: [(2)] "building" includes a house, shop, warehouse, work-shop, hut and shed; [(3)] "District" means any local area which, for the purposes of the collection of land revenue, shall have been placed for the time being, under the charge of a Deputy Commissioner of a District; [(4)] "District Board" means any Board constituted under the provisions of the Mysore District Boards Regulation; [(5) "**hamlet**" means a village, the Village Panchayet of which consists of all the voters of the village as provided in Section 5 A]; [(6)] "Panchayet" means the body of persons constituted under this Regulation for carrying out all or any of the purposes of this Regulation; [(7)] "Panchayetdar" means a member of a Panchayet; [(8)] "prescribed" means prescribed by rules made under this Regulation; [(9) "**Taluk**" includes a **sub-taluk**]; [(10)] "village" means a local area recognised by Government from time to time as a village for purposes of collecting the land revenue and includes [**a dakle village** and] an alienated village, but [does] not include a local area constituted into a Municipality; [(11)] "Village Forest" means a forest constituted as such under the Mysore Forest Regulation.	The definitions are arranged in alphabetical order. Two more definitions are added and the definition of 'village' is added to so as to include a 'dakle village. The portion relating to a Sanitary Board and the Jahgirs in the definition of 'village' is left out as the K. G. F. Sanitary Board has no objection to the Regulation being applied to villages under its control and Government have power under sub-clause (3) of clause 1 to apply the Regulation to only such portion of a district as they deem fit.
4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of [**adjacent**] villages, and shall have power, by a notification in the Official Gazette, to vary as occasion may demand, the grouping of villages.	4. (1) In any district or part of a district to which this Regulation has been applied, the Deputy Commissioner shall, subject to such rules or orders as may be made by Government in this behalf, establish a Panchayet for every village or group of [**adjoining**] villages, and shall have power, by a notification in the Official Gazette, to vary as occasion may demand, the grouping of villages.	Establishment incorporation of Panchayets "Adjacent" is re-placed by "adjoining" as the correct word.

DISSENTING NOTE BY MESSRS. C. NARASIMHAIYYA AND B. K. GARUDACHAR TO THE REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE BILL FURTHER TO AMEND THE MYSORE MUNICIPAL REGULATION.

Section 12.

For substituting the words "was assessed to" for the words "has been paying" in clause (c) of Section 12, no valid reason has been assigned. Even the draft Bill that was placed before council does not disclose any reason. In the statements of objects and reasons, attached to the Bill, and notes on clauses no suggestion has been thrown out for a change in this particular section. It appears to have been simply inserted at the suggestion of some municipal council or councillors. Even the Local Self-Government Conference has not made a recommendation of this kind.

The *Election Roll* contemplated in Section 13, is entirely different from the list or Khata which is prepared every year and which contains the names of all persons who are liable to pay the tax to a Municipality. If in the opinion of the framers of the Bill, Election Roll and Khata mean one and the same thing, then there is no necessity to prepare a separate Roll at all. The idea of the original framers of this Section was to confer a franchise or right to vote to a Municipal Councillor only on payment of Municipal dues. That was the very reason why in an Election Roll only the names of such persons who have paid the taxes were included. A citizen will not, by merely living or owning property in a city, acquire a right to vote, unless a universal franchise is conceded, and unless, he actually pays before the preparation of the Roll, he has to lose his right. It may lead a citizen to be indifferent, negligent or even to refuse to vote. It is to awaken a sense of duty and confer a right upon a citizen that payment is insisted upon. The proposed change is not desirable. Such a practice does not obtain either in the Bombay or in the Madras Presidencies and a proposal to this effect was negatived in the Madras Legislative Council. We therefore record our dissent on the amendment.

Section 46.

Section 46 as it now stands gives complete power to a Municipality to frame Rules and Bye-laws suited to the condition of each locality. The rules so framed should not be inconsistent with the Regulation and they have to be approved by the Government. But the proposed alteration deprives the Council of all its powers of framing Rules and Bye-laws as regards clauses (*b*) (*ii*), (*c*), (*e*), (*f*), (*g*) and (*h*), and vests the power in the Government. No reason has been assigned for this drastic change. No instances have been brought to light in which Municipalities have used this power to their detriment or to the annoyance of the Government. Very strong reasons must be urged to take away such powers enjoyed by the Municipalities for years together. The objects and reasons and notes to clauses do not disclose any reason. The only reason assigned during the discussion in the Select Committee, is that power is reserved to Government because of its intention to transfer Municipal Officers and servants from one Municipality to another. There is no provision in the proposed Bill to give effect to such transfers. Even in the proposed amendment of Section 46, there is no provision for transfers. This is something like putting the car before the horse. The proposed amendment can be thought of only when there is a provision for mutual transfers of officers and servants from one Municipality to another. The Mysore City Municipality has passed a resolution in its meeting held on 12th September 1925 against the proposed amendment. We therefore, record our dissent on the proposed amendment to Section 46.

Section 59, Clause XI.

The addition of the words "and other places" after shop and "or profession" after business, are not necessary. The idea of the framers of the Bill is clearly explained in notes on clause 12. It clearly shows that the object is to levy shop-tax in lieu of profession tax in respect of *business carried on in the shop.* The framers of the Bill did not mean that the levy should extend to any profession carried on in one's own house or in any other place except a shop. If the proposed change is accepted it means that a weaver, a potter, a goldsmith, a washerman, etc., who uses a portion of his living quarters for earning daily bread will have to be taxed. It is hard to believe that the framers of the Bill desired to levy taxes on such Home Industries and discourage them. Our benign Government are making strenuous efforts to encourage and help Home Industries. We therefore oppose the addition of the said words to the Draft Bill.

Section 95 (a).

To amend the Section 95 (*a*) so as to affect the present grain shop-owners is undesirable. There are many petty traders and their capital may not exceed more than a couple of

hundreds of rupees. It will be an uphill task to these petty traders to improve their premises or warehouses in accordance with the clauses of the new Bill. Even a reasonable time within which the existing warehouses could be improved is not thought of and no provision made giving such facilities to the existing warehouses. Whatever may be the restriction that may be placed upon the warehouses to be opened after the passing of this Regulation, the existing warehouses should not be forced to come under the New Regulation for punishment. Therefore the word "used" in the proposed clause should be deleted.

The Municipal Regulation as it now exists and the Bill now introduced for amendment are complicated. There is only one Regulation for the City, Town, and other Minor Municipalities. One has to wade through to find out the sections relating to the City and Town Municipalities. Such a difficulty was experienced by us when reading the Bill in the Select Committee. It is essential that there should be separate Regulations for different kinds of Municipalities. We therefore suggest that the consideration of the present Bill and the report be postponed pending introduction of separate Bills for City, Town and Minor Municipalities.

C. NARASIMHAIYA
B. K. GARUDACHAR.

OFFICE OF THE SECRETARY, LEGISLATIVE COUNCIL.

Notification No. 3426, dated Bangalore, 4th January 1926.

The Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill which was printed in the *Mysore Gazette*, dated the 17th December 1925, is reprinted below. Some mistakes which were observed have been corrected here and the changes proposed by the Select Committee are clearly exhibited.

By Order,
R. RANGA RAO,
Secretary, Legislative Council.

REPORT OF THE SELECT COMMITTEE APPOINTED TO CONSIDER THE MYSORE VILLAGE PANCHAYET BILL.

We, the members of the Select Committee appointed to consider the Village Panchayet Bill, met and considered the Bill at 4 sittings. The clauses in the Bill which in our opinion require changes, the amendments proposed by us and the reasons therefor are noted below. We recommend that the Bill as amended by us may be passed by the Council.

(Sd.) M. RAMACHANDRA RAO.
„ B. NAGAPPA.
„ C. S. BALASUNDARAM IYER.
„ S. HIRIANNAIYA.
„ D. H. CHANDRASEKHARAIYA.
„ K. P. PUTTANNA CHETTY
„ H. CHENNAIYA.
„ MAHOMED ABBAS KHAN.
„ K. MATTHAN.
„ K. CHANDY (*Chairman*).
„ B. NARASINGA RAO.*

*Mr. B. Narasinga Rao who was not present at the final meeting of the Select Committee at which the Report was signed by the members has subsequently signed the Report subject to certain observations which are printed at the end of the Report.

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Whereas it is expedient to make better provision for the administration of [village affairs by the villagers themselves and thereby develop the system of Self-Government in the rural areas of the State] ; It is hereby enacted as follows :—	Whereas it is expedient to make better provision for the administration of [**local affairs** of villages by the **inhabitants** thereof] ; It is hereby enacted as follows :- Preamble.	The words "village affairs" and "villagers" are replaced by "local affairs of villages" and "inhabitants," as more appropriate. The words omitted are redundant.
1. (1) This Regulation may be called the Mysore Village Panchayet Regulation, [1925.]	1. (1) This Regulation may be called the Mysore Village Panchayet Regulation. Short title.	The year will be entered when the Bill is passed.
(2)	(2)	
(3)	(3)	
	[Provided that it shall be lawful, at any time after the passing of this Regulation, to **hold elections** in any district or part of a district for the purpose of this Regulation, in accordance with the rules framed thereunder, but such elections **shall not take effect till the commencement of this Regulation** in that district or part of the district.]	This is to provide for elections before the Regulation is introduced in any area, so that a Panchayet may be established as soon as the Regulation is brought into force in the area. Otherwise there will be an interregnum.
2. On and from the date on which this Regulation comes into force in any district or part of a district,	2. [(1)] On and from the date on which this Regulation comes into force in any district or part of a district, the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district: Repeal.	Sub-clause (*b*) is really a proviso to sub-clause (*a*) and sub-clause (*c*) is an independent part of the clause. The clause is accordingly recast.
[(*a*)] the whole of the Mysore Village Sanitation Regulation, 1898, and the Mysore Local Boards and Village Panchayets Regulation, 1918, so far as it relates to Village Panchayets, shall be repealed in such district or part of a district;		
[(*b*) but] all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation ; [and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be **realised** under the provisions of this Regulation];	[Provided that] all rules made, proceedings taken, orders passed, officers appointed, powers conferred and rights created under any of the enactments so repealed, shall be deemed to have been made, taken, passed, appointed, conferred or created under this Regulation.	The portion relating to recovery of dues in (*b*) should logically come after and form part of sub-clause (*c*). This is also effected in the clause as recast.
[(*c*)] when in consequence of the repeal of the enactments referred to in sub-section [(*a*)] any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine.	[(2)] When in consequence of the repeal of the enactments referred to in sub-section [(1)] any Panchayet ceases to exist, the assets and liabilities of such Panchayet shall devolve on such Panchayet or Panchayets as the Government may determine; [and all sums due on account of any tax, cess, fine or fee imposed by the enactments repealed shall, unless remitted in whole or in part by the Deputy Commissioner, be **recovered** under the provisions of this Regulation.]	'Recovered' is substituted for 'realised,' as being more correct.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
11. Except as is otherwise provided in this Regulation [or in any other law for the time being in force,] members of Panchayets shall hold office for a term of three years, [extensible] by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner [shall think] fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.	11. Except as is otherwise provided in this Regulation members of Panchayets shall hold office for a term of three years [which may be extended] by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner [thinks] fit, for reasons which shall be notified together with the order in the official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar. (Term of office of Panchayetdar or Chairman.)	The words "or in any other law for the time being in force" are unnecessary and are therefore omitted. "thinks fit" is substituted for "shall think fit" as more appropriate.
13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting	13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties or of any disgraceful conduct or refuses to act or becomes incapable of acting. [The order of the Deputy Commissioner shall be **final**.] (Removal of members.)	As the removal is on the recommendation of a Panchayet and the member has opportunity of being heard, the decision of the Deputy Commissioner should be final.
14. The Deputy Commissioner [**shall**] remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty. [Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.]	14. The Deputy Commissioner [may] remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty [or for any **disgraceful conduct**, after giving him an **opportunity of being heard** and after such **enquiry** as the Deputy Commissioner deems necessary. An appeal shall lie to Government from the order of the Deputy Commissioner.] (Removal of Chairman.)	Power to remove a Chairman should be discretionary and not obligatory. The Chairman should be given an opportunity to state his case and if necessary an enquiry should be held. The Chairman should be liable to be removed for disgraceful conduct also. The clause is recast accordingly.
16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary shall be in-charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.	16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary, [if any, or any member selected by the Panchayet, in cases where no Secretary to the Panchayet is appointed,] shall be in charge of the office of the Chairman during a casual vacancy [and] pending the appointment or election of a new Chairman. (Filling of casual vacancies.)	The addition made is necessary as the appointment of a Secretary is only optional. *Vide* change proposed in clause 10.
17. (1) A Panchayet shall [meet for] the transaction of business [at such time and place, and] follow such procedure as may be prescribed.	17. (1) A panchayet shall, [in] the transaction of business, follow such procedure as may be prescribed. (Business how transacted.)	General rules prescribing the time and place of the meetings are sufficient and hence the change.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, [whether within or without the limits of the area over which it has authority,] to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding property, outside its limits, subject, as such acquisition is, to the rules framed by the Government. The clause is re-cast accordingly. This is in accordance with the corresponding provision in the District Boards Bill.
5. (1) A Panchayet shall consist of such number of members not less than [5 not] more than 12 as [the Government may fix] in this behalf.	5. (1) A Panchayet shall consist of such number of members not less than [7 and not] more than 12 as [may be fixed by the Deputy Commissioner subject to the rules framed by the Government] in this behalf.	Strength of the Panchayets and the election or nomination of members. Fixing of the strength of a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is raised to 7, as otherwise, the quorum which is fixed at 5 in clause 17 will be equal to the total strength.
[(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village.]	[(2)] The members of [a] Panchayet [shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct,] be—	Sub Clause (3) should precede sub-clause (2) as it defines the constitution. Residence in the village or group of villages is prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both paras (i) and (ii) and are inserted at the beginning of the sub-clause.
[(3)] The members of [the] Panchayet [may] be,		
(i) either wholly elected by the residents of the village; or	(i) either wholly elected by the residents of the village [or villages]; or	
(ii) partly elected and partly nominated [as the Government may direct by a notification in this behalf.]	(ii) partly elected and partly nominated	
	[(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.]	It is the elected element in each village that has to be determined by the Deputy Commissioner in order that every constituent village may have representation. Nominations are intended chiefly to safeguard the interests of minorities not adequately represented by election.
(4)	(4)	
(5) Any vacancies due either to want of [qualified] candidates or to failure to elect the [full] number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a [duly elected] member.	(5) Any vacancies due either to want of candidates or to failure to elect the [required] number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member [as if he had been duly elected.]	The word "qualified" is unnecessary and "required" is a more appropriate word than "full." A nominated member cannot be an elected member, but can only be treated as an elected member in regard to rights and privileges, etc. Hence the change.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil.	[5.A. If two-thirds of the number of voters in a village included within the limits of any Village Panchayet having jurisdiction over more than one Village, elect to be included within the limits of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be so included and **after a period of not less than five years** may similarly be included in another Village Panchayet. (Conditions under which a village under a Panchayet may be included under another Panchayet, etc.)	As Village Panchayets are to have perpetual succession, it is necessary to provide for changes that may be necessary in the course of time. Provision is made to allow the inhabitants of a village, the choice to get out of the jurisdiction of a Panchayet and be included in that of another. This may become necessary for various causes. Provision is also made to allow the inhabitants of a village to separate themselves and manage their own affairs. In the Malnad particularly, this may be a necessity. A hamlet that has separated should also have power to rejoin a Village Panchayet with the consent of the latter after the expiry of 5 years. The changes are made in order to give effect to the wishes of the villagers from time to time and not too frequently.
	(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to have their village constituted into **a hamlet**, it may be so constituted and thereafter, **the voters** in the said village shall perform for the village, all the duties and **shall have all the powers of Village Panchayet** under this Regulation. (Hamlet.)	
	(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet, provided that a period of five years has elapsed after it elected to become a hamlet.]	
6. [Every person who— (*a*) has completed 21 years of age; (*b*) is a resident of the village or villages for which a Panchayet is to be established; (*c*) was, during the year immediately preceding the election of the members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and hittals within the village; and (*d*) is not subject to any of the disqualifications mentioned in Section 7; shall be entitled to vote at an election of members of the Panchayet. Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.]	6. [Every person who is a **resident** of a village and has completed **twenty-one years** of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless disqualified.] (Qualifications of voters.)	As in Bombay and Madras, every adult may be given the right to vote so long as he is a resident of the village. Twenty-one years is taken as the age of an adult rather than 25 which is adopted in Madras and Bombay. Women will also be allowed to vote. The right to vote can be exercised only when the person is not otherwise disqualified.

7. No person may vote, (*a*) (*b*) (*c*) who is **[sentenced.]** by a Criminal Court **[to transportation or imprisonmet** for a period of more than **one month,]** such [sentence] not having been reversed or the offence pardoned; or,	7. No person may vote— (*a*) (*b*) (*c*) who is **[convicted]** by a Criminal Court **[of an offence punishable with imprisonment** for a term exceeding **six months,]** such [conviction] not having been [subsequently] reversed or the offence pardoned; o	Disqualifications of voters.
(*d*) who **[applies to be adjudicated or]** is adjudicated **[a bankrupt or]** insolvent: or (*e*)	(*d*) who is adjudicated [an] insolvent; or (*e*) [Provided that the disqualification— (1) under clause (*b*) will cease to operate after the expiry of three years from the date of such removal; (2) under clause (*c*) will, in the case of a person sentenced to a **fine** only or to **imprisonment** for a term **not exceeding three months,** cease to operate after **one year** after the expiry of the sentence, and in all **other cases** after **three years** after the expiry of the sentence; (3) under clause (*e*) will cease to operate after expiry of the **period** during which the person is ordered to furnish **security.]**	The Committee consider that in prescribing the period of disqualification both the nature of the offence and the actual punishment awarded should be taken into consideration and the period of disqualification for persons who suffer imprisonment for more than three months is therefore made longer than that for those who are sentenced only to a fine or imprisonment for not more than three months. In the District Boards Bill, the Select Committee propose to give Government the power to exempt at an earlier period than three years; but as the number of cases likely to require exemption under a system of adult suffrage under the Village Panchayet Regulation might be very large, a general rule is considered preferable to one involving reference to Government in each case. Only an adjudged insolvent should be disqualified and not one who merely applies for insolvency.
10. Subject to such rules as may be made by Government in this behalf, every Panchayet **[shall]** appoint a Secretary from among its members.	10. Subject to such rules as may be made by [the] Government in this behalf, every Panchayet **[may]** appoint a Secretary from among its members [who shall perform such duties as may be prescribed.]	Secretary to Panchayet. The period during which security is ordered to be furnished should be the period of disqualification in this case. Appointment of a Secretary should be optional and his duties should be fixed.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee		Reasons for the change
11. Except as is otherwise provided in this Regulation [or in any other law for the time being in force,] members of Panchayets shall hold office for a term of three years, [extensible] by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner [shall think] fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.	11. Except as is otherwise provided in this Regulation, members of Panchayets shall hold office for a term of three years [which may be extended] by order of the Deputy Commissioner to a term not exceeding in the aggregate four years, if on any occasion, the Deputy Commissioner [thinks] fit, for reasons which shall be notified, together with the order in the official Gazette, so to extend the same. The term of office of a Chairman shall be co-terminous with or be the residue of his term of office as a Panchayetdar.	Term of office of Panchayetdar or Chairman.	The words "or in any other law for the time being in force" are unnecessary and are therefore omitted. "thinks fit" is substituted for "shall think fit" as more appropriate.
13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity for being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting	13. The Deputy Commissioner may, on the recommendation of a Panchayet, remove any member, elected or appointed under this Regulation, after giving him an opportunity of being heard and after such enquiry as he deems necessary, if such member has been guilty of misconduct in the discharge of his duties, or of any disgraceful conduct, or refuses to act or becomes incapable of acting. [The order of the Deputy Commissioner shall be final.]	Removal of members.	As the removal is on the recommendation of a Panchayet and the member has opportunity of being heard, the decision of the Deputy Commissioner should be final.
14. The Deputy Commissioner [shall] remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty. [Against the order of the Deputy Commissioner in this matter an appeal shall lie to Government.]	14. The Deputy Commissioner [may] remove a Chairman from his office for misconduct, or neglect of, or incapacity to perform, his duty [or for any disgraceful conduct, after giving him an opportunity of being heard and after such enquiry as the Deputy Commissioner deems necessary. An appeal shall lie to Government from the order of the Deputy Commissioner.]	Removal of Chairman.	Power to remove a Chairman should be discretionary and not obligatory. The Chairman should be given an opportunity to state his case and if necessary an enquiry should be held. The Chairman should be liable to be removed for disgraceful conduct also. The clause is re-cast accordingly.
16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary shall be in-charge of the office of the Chairman during a casual vacancy, pending the appointment or election of a new Chairman.	16. When the office of a Chairman or Panchayetdar becomes vacant by his removal, disqualification, resignation or death, a new Chairman or Panchayetdar shall be appointed, elected or nominated as the case may be, in accordance with the foregoing provisions, and such Chairman or Panchayetdar shall hold office so long as the Chairman or Panchayetdar whose place he fills would have been entitled to hold office if such vacancy had not occurred. The Secretary, [if any, or any member selected by the Panchayet, in cases where no Secretary to the Panchayet is appointed,] shall be in charge of the office of the Chairman during a casual vacancy [and] pending the appointment or election of a new Chairman.	Filling of casual vacancies.	The addition made is necessary as the appointment of a Secretary is only optional. *Vide* change proposed in clause 10.
17. (1) A Panchayet shall [meet for] the transaction of business [at such time and place, and] follow such procedure as may be prescribed.	17. (1) A panchayet shall, [in] the transaction of business, follow such procedure as may be prescribed.	Business how transacted.	General rules prescribing the time and place of the meetings are sufficient and hence the change.

(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	(2) Every Panchayet shall be a body corporate by such name as the Deputy Commissioner may determine and shall have perpetual succession and a common seal, and shall by the said name sue and be sued. Subject to any rules made by Government in this behalf, it shall also have power to acquire, hold or transfer property, movable or immovable, [whether within or without the limits of the area over which it has authority,] to enter into contracts and to do all things necessary for all or any of the purposes of this Regulation.	There is no objection to a Panchayet acquiring or holding property, outside its limits, subject, as such acquisition is, to the rules framed by the Government. The clause is re-cast accordingly. This is in accordance with the corresponding provision in the District Boards Bill.
5. (1) A Panchayet shall consist of such number of members not less than [5 nor] more than 12 as [the Government may fix] in this behalf.	5. (1) A Panchayet shall consist of such number of members not less than [7 and not] more than 12 as [may be fixed by the Deputy Commissioner subject to the rules framed by the Government], in this behalf.	Strength of the Panchayets and the election or nomination of members. Fixing of the strength of a Panchayet or Panchayets need not come up to Government. The Deputy Commissioner may fix the strength subject to rules framed by Government. The minimum number for a Panchayet is raised to 7, as otherwise, the quorum which is fixed at 5 in clause 17 will be equal to the total strength.
[(2) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of members to represent each such village.]		
[(3)] The members of [the] Panchayet [may] be, (i) either wholly elected by the residents of the village; or (ii) partly elected and partly nominated [as the Government may direct by a notification in this behalf.]	[(2)] The members of [a] Panchayet [shall be residents of the village or group of villages for which the Panchayet is established and may, as the Government may direct,] be— (i) either wholly elected by the residents of the village [or villages]; or (ii) partly elected and partly nominated.	Sub-Clause (3) should precede sub-clause (2) as it defines the constitution. Residence in the village or group of villages is prescribed as a necessary qualification for members. The words "as the Government may direct" ought to govern both paras (i) and (ii) and are inserted at the beginning of the sub-clause.
	[(3) Where a Panchayet is constituted for more than one village, the Deputy Commissioner shall determine the number of elected members to represent each such village.]	It is the elected element in each village that has to be determined by the Deputy Commissioner in order that every constituent village may have representation. Nominations are intended chiefly to safeguard the interests of minorities not adequately represented by election.
(4)	(4)	
(5) Any vacancies due either to want of [qualified] candidates or to failure to elect the [full] number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a [duly elected] member.	(5) Any vacancies due either to want of candidates or to failure to elect the [required] number of members which under this section might be elected, may, notwithstanding anything contained in this Regulation, be filled up by nomination by the Deputy Commissioner, and any person so nominated shall be deemed to be a member [as if he had been duly elected.]	The word "qualified" is unnecessary and "required" is a more appropriate word than "full." A nominated member cannot be an elected member, but can only be treated as an elected member in regard to rights and privileges, etc. Hence the change.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
Nil.	[5.A. If two-thirds of the number of voters in a village included within the limits of any Village Panchayet having jurisdiction over more than one Village, elect to be included within the limits of any other Village Panchayet, such village may, with the consent of the latter Village Panchayet, be so included and **after a period of not less than five years** may similarly be included in another Village Panchayet. Conditions under which a village under a Panchayet may be included under another Panchayet, etc.	As Village Panchayets are to have perpetual succession, it is necessary to provide for changes that may be necessary in the course of time. Provision is made to allow the inhabitants of a village, the choice to get out of the jurisdiction of a Panchayet and be included in that of another. This may become necessary for various causes. Provision is also made to allow the inhabitants of a village to separate themselves and manage their own affairs. In the Malnad particularly, this may be a necessity. A hamlet that has separated should also have power to rejoin a Village Panchayet with the consent of the latter after the expiry of 5 years. The changes are made in order to give effect to the wishes of the villagers from time to time and not too frequently.
	(2) If two-thirds of the number of voters in any village included within the limits of any Village Panchayet elect to have their village constituted into **a hamlet**, it may be so constituted and thereafter, **all the voters** in the said village shall perform for the village all the duties and **shall have all the powers of a Village Panchayet** under this Regulation. Hamlet.	
	(3) It shall be open to a hamlet by a vote of two-thirds of its voters to become a constituent village of any Village Panchayet with the consent of such Panchayet, provided that a period of five years has elapsed after it elected to become a hamlet.]	
6. [Every person who— (*a*) has completed 21 years of age; (*b*) is a resident of the village or villages for which a Panchayet is to be established; (*c*) was, during the year immediately preceding the election of the members of the Panchayet, assessed to a tax of half a rupee or more on account of land revenue, house tax, shop tax or tax on vacant sites and hittals within the village; and (*d*) is not subject to any of the disqualifications mentioned in Section 7; shall be entitled to vote at an election of members of the Panchayet. Provided that in the case of a joint family or a partnership paying half a rupee or more on account of any such tax, the manager of the family, or any member of the family or partnership with the consent of the rest may vote, unless otherwise disqualified.]	6. [Every person who is a **resident** of a village and has completed **twenty-one years** of age, shall be entitled to vote at an election of members of the Panchayet of that village, unless disqualified.] Qualifications of voters.	As in Bombay and Madras, every adult may be given the right to vote so long as he is a resident of the village. Twenty-one years is taken as the age of an adult rather than 25 which is adopted in Madras and Bombay. Women will also be allowed to vote. The right to vote can be exercised only when the person is not otherwise disqualified.

7. No person may vote, (*a*) (*b*) (*c*) who is **[sentenced]** by a Criminal Court **[to transportation or imprisonmet** for a period of more than **one month,]** such [sentence] not having been reversed or the offence **pardoned**; or.	7. No person may vote— (*a*) (*b*) (*c*) who is **[convicted]** by a Criminal Court **[of an offence punishable with imprisonment** for a term exceeding **six months,]** such [conviction] not having been [subsequently] reversed or the offence pardoned; or	Disqualifications of voters.	The Committee consider that in prescribing the period of disqualification both the nature of the offence and the actual punishment awarded should be taken into consideration and the period of disqualification for persons who suffer imprisonment for more than three months is therefore made longer than that for those who are sentenced only to a fine or imprisonment for not more than three months. In the District Boards Bill, the Select Committee propose to give Government the power to exempt at an earlier period than three years; but as the number of cases likely to require exemption under a system of adult suffrage under the Village Panchayet Regulation might be very large, a general rule is considered preferable to one involving reference to Government in each case.
(*d*) who **[applies** to be adjudicated or] is adjudicated **[a bankrupt** or] insolvent; or	(*d*) who is adjudicated **[an]** insolvent; or		Only an adjudged insolvent should be disqualified and not one who merely applies for insolvency.
(*e*)	(*e*) [Provided that the disqualification— (1) under clause (*b*) will cease to operate after the expiry of three years from the date of such removal (2) under clause (*c*), will, in the case of a person sentenced to a **fine** only or to **imprisonment** for a term **not exceeding three months,** cease to operate after **one year** after the expiry of the sentence, and in all **other cases** after **three years** after the expiry of the sentence; (3) under clause (*e*) will cease to operate after expiry of the **period** during which the person is ordered to furnish **security.]**		The period during which security is ordered to be furnished should be the period of disqualification in this case.
10. Subject to such rules as may be made by Government in this behalf, every Panchayet **[shall]** appoint a Secretary from among its members.	10. Subject to such rules as may be made by [the] Government in this behalf, every Panchayet **[may]** appoint a Secretary from among its members [who shall perform such duties as may be prescribed.]	Secretary to Panchayet.	Appointment of a Secretary should be optional and his duties should be fixed.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill.—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
34. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Pancheyets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund", [the accounts of which shall be kept in the manner prescribed.]	34. (1) All sums realised as taxes, fees, cesses, fines or costs under this Regulation, all fines and surplus proceeds of sale of cattle under the Cattle Trespass Act, 1871, as amended by Regulation VIII of 1892, all sums of revenue assigned to the Panchayets by any general or special order of Government and all other receipts of the Panchayets including any donations from a private person or body of persons, and any contribution from a District Board or the Government shall be paid into a fund to be called the "Panchayet Fund." Panchayet fund and its application and investment.	The last 11 words are omitted and provision for maintaining accounts is made in clause 40 which is the proper clause.
Nil.	[(2) The Government may, by general or special order, **assign any specified revenue or make any grant** to the Panchayet fund.]	A new sub-clause is added as the Committee consider it desirable to have a provision for the assignment of revenue or the making of grants by Government.
[(2)] The Panchayet Fund shall be administered	[(3)] The Panchayet Fund shall be administered	
[(3)] The Panchayet Fund shall be [invested] in the Government Savings Bank or [with the approval of the Deputy Commissioner] in a Co-operative Society. A Panchayet may, from time to time, with the approval of the Deputy Commissioner invest any portion of its surplus funds in Government securities or other securities approved by the Government.	[(4)] The Panchayet Fund shall be [lodged] in the Government Savings Bank or in a **Co-operative Society [or Bank approved by the Deputy Commissioner,** or in such manner as may be prescribed.] A Panchayet may, from time to time, with the approval of the Deputy Commissioner, invest any portion of its surplus funds in Government securities or other securities approved by the Government.	"Invested" would mean that the money may not be withdrawn whenever necessary. So it is proposed to be replaced by "lodged". The Panchayets may also be empowered to deposit money in any Bank approved by the Deputy Commissioner or in any other prescribed manner. The clause is recast accordingly.
35. [In every village,] a tax on houses, shops, vacant sites [and] hittals [shall be levied, subject to such rules and not exceeding such rates as shall be prescribed.]	35. [(1) Every Panchayet shall levy, in the manner prescribed,] a tax on [all] houses, shops [**or places of trade or business,**] vacant sites, hittals [and **carts** in the village or villages within its jurisdiction.] Obligatory taxes.	Shops do not include places where any profession or similar business is carried on. Tax on carts is one of the items of Mohatarfa now collected and its omission perhaps is accidental. The clause is recast to include all the items.
[Provided that] it shall be competent to the Panchayet to make provision for exemptions in favour of individuals or class of individuals [with the previous sanction of the Government.]	[(2) The rates of such taxes shall not exceed the maxima that may be prescribed.] [(3)] It shall be competent to the Panchayet to make provision for exemptions in favour of individuals or [a] class of individuals, [subject to such rules as may be prescribed in this behalf.]	Calls for no remarks as there is no change in the sense. It is not necessary that each individual case for exemption should come up to Government. Exemptions may be made subject to the rules prescribed.
36.	36. [(1)]	

Nil	[(2)]	
	[(3)]	
19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters :—	[(2) The quorum for a meeting of the Panchaye not less than **one-half** of the whole number of members of the Panchayet and shall not be less than **five in any case**, provided that in the case of a hamlet, it shall be a **bare majority of the voters in the hamlet.**]	majority of votes. This matter may not be left to rules, as also the quorum for meetings. Hence the addition of two more sub-clauses after sub-clause (1).
	[(3) Except as otherwise provided, all questions before a Panchayet shall be **decided by a majority** of the votes of the members present and voting.] Questions to be generally decided by majority of votes.	
	[(4)]	
	[(5)]	
19. It shall be the duty of a Panchayet, within the limits of the fund at its disposal, to make adequate provision for carrying out the requirements of the area under its control in regard to the following matters :— Obligatory duties.		
(i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges ;	(i) construction, repair and maintenance of village roads including cart-tracks, culverts and bridges, [but **not** including those **under the control of any other local body** or of **Government** ;]	The roads and bridges which a Panchayet should be in charge of are defined.
[(iv) Extension of **village sites** and] regulation of buildings ;	(iv) Regulation of buildings ;	"Extension of village sites" is brought under the optional duties of Panchayets.
Nil	(xii) [**Supply of water** for domestic use ;	This item is brought under the obligatory duties of Panchayets.
20. Subject to such rules as may be prescribed in this behalf, the Panchayet may, within the limits of the fund at its disposal, make provision for carrying out the requirements of the area under its control in respect of any or all of the following matters :— Discretionary duties.		
[(i) **Supply of water** for domestic use ;]	Omitted	*Vide* clause 19. Brought under obligatory duties.
[(ii) Enforcement of **vaccination** ;]	Omitted	This is the duty of the District Board and hence omitted.
[(iii)]	[(i)]	
[(iv)]	[(ii)]	
[(v)]	[(iii)]	
Nil	[(iv) Extension of **village sites** ;] ...	
(vi) Excavation and maintenance of ponds for animals ;	[(v) Excavation and maintenance of ponds [for the supply of water to] animals ;	*Vide* clause 19. Treated as optional duty.
	* * *	
(ix) [Taking measures for the economic improvement of the area in matters] of education, agriculture, rural industries and trade ; and	(viii) [Development] of education, agriculture, [**co-operation**,] rural industries and trade ; and	'Development' is an appropriate word. There can be no *economic* improvement of education and like matters and hence the change ; Co-operation is also included.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill.—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet, the management, protection and maintenance of village forests, whether reserved for fuel and fodder or for other purposes.	21. The Government may, subject to such limitations and conditions as may be imposed in this behalf, transfer to any Panchayet [[the management and control of grazing in **hulbanni and gomal lands** and] the management, protection and maintenance of Village Forests, whether reserved for fuel and fodder or for other purposes.	Transfer of grazing and Forests to Panchayets. Power is taken to transfer control over grazing in hulbanni and gomal lands, if found desirable.
22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions [that] a Panchayet constituted under the Tank Panchayet Regulation, 1911, [may exercise and discharge.]	22. The Government may, subject to such limitations and conditions as may be imposed in this behalf, empower any Panchayet to exercise all the powers and discharge all the functions [of] a Panchayet constituted under the Tank Panchayet Regulation, 1911, **[notwithstanding anything contained in Section 3 of that Regulation.]**	Vesting Panchayets with functions under the Tank Panchayet Regulation. A Tank Panchayet is constituted in a special manner under Section 3 of the Tank Panchayet Regulation. The powers and functions of a Tank Panchayet may be delegated to a Village Panchayet notwithstanding the provisions of the said section. This is to avoid each case coming up to Government for approval. General rules may be framed by Government leaving the terms, etc., to the bodies concerned.
23. Subject to [the approval of] the Government any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet, [make over to it,] subject to such conditions as may be agreed upon, the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which [a Panchayet] has got control.	23. Subject to [such rules as may be prescribed by] the Government, any District Board, the Deputy Commissioner or any private person or body of persons may, with the consent of a Panchayet [and] subject to such conditions as may be agreed upon, [make over to it] the management of any institution or the execution or maintenance of any work or the performance of any duty within the area over which [it] has got control.	Institutions or works may be transferred to Panchayet.
24. The Government may entrust the management of minor muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet [subject to such rules or orders as may be passed from time to time.]	24. The Government may, [by a general or special order,] entrust the management of minor Muzrai institutions and supervision over village schools in the area under the control of any Panchayet to such Panchayet [and prescribe such rules as may be necessary for their management and supervision.]	Panchayet to exercise powers of school committees and manage Minor Muzrai Institutions. No rules are needed for the transfer of the management of muzrai institutions or supervision over schools. The transfer may be effected by an order of Government. Rules may be necessary as regards the directions to be observed during management or supervision. The clause is modified accordingly.
26. A panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in Sections 27, 28, 29, 30, 31 and 32.	26. A Panchayet shall have power to do all acts necessary for and incidental to the carrying out of the functions entrusted or delegated to it, and in particular and without prejudice to the foregoing power, to exercise the powers specified in Sections 27, 28, 29, 30, 31 and 32. [Provided that the **Panchayet may appoint committees** to perform any of these functions.]	General power. It is desirable to provide for the appointment of Committees to perform certain functions. The whole Panchayet may not find it convenient to meet for the consideration or carrying out of each question or work.
27. The Panchayet *** and may.— * * (*a*) lay out and make new roads; (*b*) construct new bridges; [(*c*)] divert, discontinue or close any road or bridge. [(*d*)] [(*e*)]	27. The Panchayet *** and may.— (*a*) lay out and make new roads; (*b*) construct new bridges; (*c*) [widen, open, enlarge, or otherwise improve any road or bridge;] [(*d*)] divert, discontinue or close any road or bridge; [(*e*)] * * *	A fresh sub-clause *re* widening, enlarging, etc., of roads and bridges is added. Such a provision exists in the Madras Act.

28. (1) Subject to such rules as may be prescribed [by the Government in this behalf,] no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. [Provided that permission] shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

28. (1) Subject to such rules as may be prescribed, no person shall erect any building or alter or add to any existing building or reconstruct any building without the written permission of the Panchayet. [Such **permission shall not be refused** except for the reason of the **site being unsuited on sanitary grounds** and it] shall be presumed to have been granted if its refusal is not communicated within a month of the receipt of the application.

Control of the erection of buildings.

'Prescribed' is defined in the Regulation. Hence the words omitted are redundant. There is no indication as to when and on what grounds permission to build can be refused. It is made clear that permission can be refused only if the site is unsuited for building on sanitary grounds.

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction.—

[(*a*) the Panchayet shall have power to

(i) construct, alter or remove public drains;

(ii) establish burning ghats and burial grounds; and,

(iii) effect such other improvements as are necessary to improve the sanitary condition of the area.]

[(*b*) The] Panchayet may by a written notice, require within a reasonable period to be specified therein —

30. (1) If it appears necessary to improve the sanitary condition of any area within its jurisdiction, [a] Panchayet may, by a written notice, require within a reasonable period to be specified therein—

Power as to sanitation, conservancy and drainage.

The whole para (a) of sub-clause (1) is omitted. Clause 26 in conjunction with clause 19 provides for these matters.

(i)
(ii)
(iii)
(iv)
(v)

(i)
(ii)
(iii)
(iv)
(v)

(2) If any work required by a notice under [clause (b) of] sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in [clause (b) of] sub-section (1) as if it were a tax imposed under Section [36.]

(2) If any work required by a notice under sub-section (1) is not executed within the period specified in the notice, the Panchayet may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax imposed under Section [35.]

Consequential changes. "Section 36" is not the correct section. It ought to be "Section 35."

31. (3) The Panchayet may, by order published at such places as it may think fit, prohibit all bathing, washing of clothes and animals, or other acts calculated to pollute the water of any tank, well, stream, or water course set apart for drinking or culinary purposes under sub-section (2).

31. (3) The Panchayet may, by order published at such places as it may think fit, **prohibit,**

[(*a*)] all bathing, washing of clothes and animals; or other acts calculated to pollute the water of any tank, well, stream or water course set apart for drinking or culinary purposes under sub-section (2); [and]

[(*b*) **during epidemics, the use of any source of water supply for drinking or culinary purpose** or for the **washing of clothes.**]

The existing sub-clause only provides against pollution of water. It is necessary to provide for cases where there may not be pollution, but there may be fear of infection or of spread of infection. Sub-clause (*b*) is therefore added.

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants [as may appear necessary to the Government] and shall assign to them such pay, allowances, gratuities, pensions and contributions as [the Government may direct.]

33. Subject to such rules as may be framed by the Government in this behalf, every Panchayet shall employ such officers and servants and shall assign to them such pay, allowances, gratuities, pensions and contributions as [may be necessary.]

Officers and servants.

As appointments are subject to rules framed by Government, reference to Government in the latter portions of the clause is omitted.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee		Reasons for the change
49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty [imopsed on it by or under this Regulation, the Amildar, if] satisfied after due enquiry that the Panchayet has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.	49. (1) When the Amildar is informed on complaint made or otherwise that a Panchayet in his taluk has made default in performing any duty [under Section 19 and is] satisfied after due enquiry that the Panchayet has been guilty of the alleged default, [he] may, by an order in writing, fix a period for the performance of that duty	Power to provide for performance of duties in default of Panchayet.	The powers of an Amildar under this clause should be confined to the non-performance of obligatory duties only.
50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause [the] injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may by order in writing, suspend the execution or prohibit the doing thereof.	50. (1) If in the opinion of the Amildar, the execution of any order or resolution of a Panchayet in his taluk or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Regulation, is likely to cause injury or annoyance to the public or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof.	Power to suspend execution of orders, etc.	The word 'the' is out of place and is omitted.
(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of [the reason] for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.	(2) When an Amildar makes any order under this section, he shall forthwith forward to the Deputy Commissioner a copy of the order, with a statement of [reasons] for making it, and it shall be in the discretion of the Deputy Commissioner to rescind the order or to direct that it shall continue in force with or without modification permanently or for such period as he thinks fit.		Calls for no remarks.
51 (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the **[service or]** safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.	51. (1) In cases of emergency, the Amildar may provide for the execution of any work, or the doing of any act, which a Panchayet in his taluk is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the safety of the public. [He shall forthwith **communicate his order** with the reasons therefor to the Panchayet], and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or to do it, shall be forthwith paid by the Panchayet.	Extraordinary power of an Amildar in cases of emergency.	The powers conferred by this clause are extraordinary and are to be used only in cases of emergency. Hence the exercise of these powers is limited only to cases where the safety of the public is concerned. The Panchayet should be informed of the order passed.

Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may, with the consent of the person from whom such tax, cess rate or fee is leviable, commute the payment [of such cess] into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.	Provided that the levy of such tax, cess, rate or fee is agreed to by not less than two-thirds of the members constituting the Panchayet. Provided also that the Panchayet may, with the consent of the person from whom such tax, cess, rate or fee is leviable, commute the payment into a contribution of labour not exceeding 18 days' labour in a year at such intervals, for such period of time and under such conditions as may be prescribed in this behalf.	The words 'of such cess' are omitted as commutation of payment into labour is to be permitted in the case of all taxes, rates and fees leviable under this clause.
	[(2) Any such tax, cess, rate or fee may be **cancelled** with the previous sanction of the Government.]	Provision for cancellation of a tax, etc., is necessary.
Nil.	[36. A. (1) If at any time, in the opinion of the Deputy Commissioner, the regular income of the Panchayet falls below what is necessary for the proper discharge of the duties specified in Section 19, the **Deputy Commissioner** may **call upon** the **Panchayet** to take steps **within six months to increase its income** to such an amount as may be considered necessary. If the Panchayet **fails** to take adequate steps to increase its income to the required amount, the Deputy Commissioner may require it to **increase the rate of taxes** imposed under Section 35. Increase of income.	Panchayets have got certain obligatory duties to perform under clause 19. They have discretion subject to the maxima to be prescribed by Government, to fix whatever rate they choose. They may fix a very low rate and plead that they have no funds to perform the functions that are obligatory. To avoid an intentional attempt in this direction, a new clause is added. Such additional taxation should be imposed only under the orders of the Deputy Commissioner of the District; and an appeal may lie to Government. This gives the Village Panchayet, the maximum of autonomy consistent with the safety of the people.
	Provided that in no circumstances shall the Deputy Commissioner have power to require the rates of taxes to be increased beyond the maxima prescribed.]	
	(2) [An **appeal** shall lie to **Government** from an order of the Deputy Commissioner under this section.]	
37. [No objection shall be taken to any assessment nor shall the liability of any person to be assessed be questioned otherwise than] in accordance with the rules made under this Regulation.	37. [Objections to any assessment and the liability of any person to be assessed under this Regulation shall be preferred and decided] in accordance with the rules made under this Regulation. Objection in respect of liability to assessment.	The clause is recast, so as to put the idea in the positive form.
38. (1)	38. (1)	
[(2) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.]	[(2) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar may recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).]	The order of sub-clauses (2) and (3) is reversed as being more logical.
[(3) If the Panchayet neglects to recover or cannot recover the taxes or other dues under sub-section (1), the Amildar shall recover the same by distraint and sale and shall for this purpose have all the powers that may be exercised by a Chairman under sub-section (1).]	[(3) The procedure to be followed prior to and during distraint and sale, the properties to be exempted from distraint and the disposal of surplus proceeds, etc., shall be in accordance with the rules framed in this behalf.]	

Report of the Select Committee appointed to considered the Mysore Village Panchayet Bill—*contd.*

Clauses in the Bill	Clauses as amended by the Select Committee	Reasons for the change
(4) If the taxes or other dues cannot be recovered under sub-sections (1) and [(3), the Deputy Commissioner of any District or any officer authorised by a Deputy Commissioner in this behalf, may recover the same as an arrear of land revenue, on receipt of a statement of account **certified by a Chairman or an Amildar** and after holding such enquiry, if any, as he thinks fit.]	(4) If the taxes or other dues cannot be recovered under sub-sections (1) and [(2), a statement of account shall be prepared by the Amildar and such statement when **certified by the Deputy Commissioner,** shall be **conclusive evidence** of the existence of the arrear, of the amount due as arrear, and of the person who is the defaulter. On receipt of such certified statement, it shall be lawful for the Deputy Commissioner of any District to recover the dues as an arrear of land revenue, as if the demand arose in his own district.]	As dues arising in one district may have to be recovered in another district, the dues should be certified by the Deputy Commissioner as in the Land Revenue Code.
(5)	(5)	
	[(6) No proceedings shall be taken under sub-section (4) and no suit shall be instituted under sub-section (5) more than **3 years** after the amount became due.]	A period of three years is fixed for the institution of a suit for the recovery of dues or for their recovery as an arrear of land revenue.
39. (1) [**Every Panchayet shall submit** annually to the **Amildar having jurisdiction on or** before such date as may be prescribed, a budget of estimated receipts and expenditure for the coming official year and a report of its proceedings.]	39. (1) [Subject to such rules as may be prescribed; every Panchayet shall prepare a budget of estimated receipts and expenditure for the next official year and **forward** it to the Amildar having jurisdiction.]	Annual budget of Panchayets. Verbal changes calling for no remarks. Submission of a report of the proceedings of Panchayets need not be provided for by Regulation.
(2)	(2)	
(3) No expenditure which is not provided for in the [estimate as approved] by the Amildar shall be incurred [during the year to which the estimate relates] without the previous **sanction of the [Deputy Commissioner.]**	(3) No expenditure which is not provided for in the [budget as passed] by the Amildar shall be incurred without the previous **sanction of the [Amildar.**	Verbal changes. "Passed" is the word used in the previous sub-clause; and includes cases in which the budgets are not returned by the Amildar within a month.
40. Accounts of all the receipts and expenditure of every Panchayet shall be [made up to the last day of] every official year in such form as the Government [from time to time] prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.	40. Accounts of all the receipts and expenditure of every Panchayet shall be [**maintained**] for every official year in such form as the Government [may] prescribe and shall be examined and audited by such officer as may be appointed by the Government in this behalf.	Annual accounts and audit. *Vide* clause 34. Provision for the maintenance of accounts is added.
41. The Deputy Commissioner shall be chief controlling authority in respect of all matters relating to the administration of Panchayets in the district.	41. The Deputy Commissioner [of the District] shall be the chief controlling authority in respect of all matters relating to the administration of Panchayets in the district.	Deputy Commissioner to be Chief Controlling authority. Calls for no remark.
42. The Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk.	42. [**Subject to the general control of the Deputy Commissioner** of the District], the Assistant Commissioner in charge of a taluk shall exercise all the powers of a Deputy Commissioner under this Regulation in respect of Panchayets in that taluk, **[except those specified in Sections 4, 5, 13, 14, 36A, 45, 52 and 55.]**	Assistant Commissioner to exercise powers of Deputy Commissioner. The Assistant Commissioner should not exercise all the powers of a Deputy Commissioner. Certain sections are excluded from the operation of this clause and the Assistant Commissioner, even when exercising the powers of a Deputy Commissioner, should do so under the general control of the latter.

45. The Deputy Commissioner may, by order in writing, require any Panchayet in his district to perform any duty—whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers [not to be] in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government [against] the order of the Deputy Commissioner.	45. The Deputy Commissioner may, by order in writing, require any Panchayet in his district to perform any duty—whether obligatory, discretionary or delegated under this Regulation—annul any proceedings which he considers [to be not] in conformity with law and may do all things necessary to secure such performance or conformity. Provided that when the duty required to be performed is discretionary or delegated, an appeal shall lie to Government [from] the order of the Deputy Commissioner.	Power of Deputy Commissioners. "From" is substituted for "against" as the proper word.
46. The Deputy Commissioner, [the **Assistant Commissioner** in charge of a taluk or taluks] the Amildar [and any other **officer empowered by Government** in this behalf,] shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions.	46. [(1)] The Deputy Commissioner [and] the Amildar shall have access to all books, proceedings and records of every Panchayet within their respective jurisdictions. [(2) Any **officer authorised by the Deputy Commissioner** in this behalf shall have power to inspect and examine the books, proceedings and records of a Panchayet or Panchayets in the district.]	Inspection of records. "Assistant Commissioner" is omitted, because under clause 42, he exercises the powers of the Deputy Commissioner. Any other officer has no jurisdiction over Panchayets and hence his powers of inspection, etc., under the authority of the Deputy Commissioner are relegated to a separate sub-clause.
47. The Deputy Commissioner [the **Assistant Commissioner** in charge of a taluk or taluks] the Amildar [or any other **officer empowered by Government** in this behalf] shall, in respect of Panchayets within [his] jurisdiction, have power at all times— (*a*) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by or any work in progress under the orders of, or any institution controlled by, a Panchayet; (*b*) to call for and inspect [any document which may be] for the purposes of this Regulation in the possession or under the control of a Panchayet; (*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit; [and may give such advice in respect of the administrative work and proceedings as he thinks fit.]	47. (1) The Deputy Commissioner [and] the Amildar shall, in respect of Panchayets within [their] jurisdiction, have power at all times— (*a*) to enter on and inspect or cause to be entered on and inspected, any immovable property occupied by, or any work in progress under the orders of, or any institution controlled by, a Panchayet; (*b*) to call for and inspect, for the purposes of this Regulation, [any document which may be] in the possession or under the control of a Panchayet; and (*c*) to require the Panchayet to furnish such statements, accounts and reports as he thinks fit. [(2) Any **officer authorised by Government** in this behalf **may exercise the powers of an Amildar or a Deputy Commissioner**, as the case may be, in respect of a Panchayet or Panchayets.]	Inspection of property or work. *Vide* reasons under clause 46. A document may be called for and inspected only for purposes of this Regulation and not otherwise. Hence the change. The portion relating to the giving of advice is deleted. *Vide* reason given under clause 46
48. The Government may appoint for each taluk one or more Inspectors of Panchayets [to secure better supervision over Panchayets and] to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	48. The Government may appoint for each taluk one or more Inspectors of Panchayets to discharge such functions as may be assigned to him or them in regard to the administration of Panchayets. The Panchayets may be required to contribute towards the cost of such Inspectors.	Appointment of Inspectors. As the Inspector discharges such functions as are assigned to him, the portion relating to his supervision is omitted.

52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or [otherwise by] law, or exceeds or abuses its powers, the Deputy Commissioner [having jurisdiction] may, [by an order published, with the reasons for making it, in the Official Gazette, declare] the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order.

(2)

(3)

53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie [against] an order of—

(*a*) the Panchayet in a Taluk [to the Amildar of the Taluk;]

[(*b*) the Amildar,] to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Assistant Commissioner in charge; and

[(*c*)] the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within [**fifteen**] days of the date of the order.

[(2)] The decision of the Deputy Commissioner shall be **final**.

55. (1) If a dispute arises between a Municipal Council and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final:

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

52. (1) If a Panchayet is not competent to perform, or, persistently makes default in the performance of, the duties imposed on it by or under this Regulation or [by or under any] law, or exceeds or abuses its powers, the Deputy Commissioner [of the District] may, [after giving such Panchayet an opportunity of being heard, declare, by an order published in the Official Gazette, with the reasons for making it,] the Panchayet to be incompetent or in default, or to have exceeded or abused its powers as the case may be, and supersede it for a period to be specified in the order. Power to supersede Panchayet in case of incompetency, default or abuse of powers.

(2) * *

(3) * *

[(4) An **appeal** shall lie **to Government** from an order of the Deputy Commissioner under this section.]

53. (1) Save as otherwise provided for in this Regulation, an appeal shall lie [from] an order of— Appeals.

(*a*) the Panchayet in a Taluk, to the Assistant Commissioner in charge of the Taluk or to the Deputy Commissioner where there is no Asssistant Commissioner in charge; and

[(*b*)] the Assistant Commissioner, to the Deputy Commissioner;

and shall be preferred within [**thirty**] days of the date of the order. The decision of the Deputy Commissioner shall be final.

[(2) **Appeals to Government** when expressly allowed under the Regulation shall be preferred **within ninety days** of the order of the Deputy Commissioner, and the **decision** of the Government shall be **final**.]

55. (1) If a dispute arises between a Municipal Council [not being a City Municipal Council] and a Panchayet within the same district, the matter shall be referred to the Deputy Commissioner; and the decision of the Deputy Commissioner thereon shall be final: Disputes between a Municipal Council and a Panchayet.

Provided that, if the Deputy Commissioner is a Councillor of the Municipal Council concerned, his functions under this section shall be discharged by the Government.

(2) If a dispute arises [**between a City Municipal Council and a Panchayet or**] between a Municipal Council and a Panchayet in different districts, the matter shall be referred to the Government; and the decision of the Government thereon shall be final.

The Panchayet should be given an opportunity to state its case.

When a Panchayet is superseded an appeal should lie to Government. Hence the addition.

Calls for no remark.

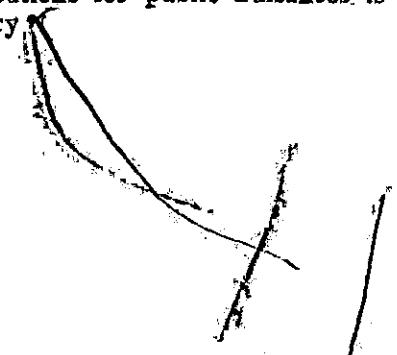
As the Amildar generally controls the actions of the Panchayet and may be a party to an order of the Panchayet, appeals from the orders of a Panchayet should lie to the Assistant Commissioner. The number of appeals is also curtailed and period of limitation is also extended to 30 days.

No limitation is prescribed in the Bill for preferring appeals to Government. Hence the addition.

City Municipal Councils are not under the control of the Deputy Commissioners except under the special orders of Government. Hence the change.

Report of the Select Committee appointed to consider the Mysore Village Panchayet Bill—*concld.*

Clauses in the Bill	Clauses as amended by the Select Committee.		Reasons for the change
Nil.	[55. A. Where a Panchayet has been established under this Regulation for **a village or villages under the control of a Sanitary Board** constituted under the provisions of the Mysore Mines Regulation, the **powers** that may be exercised by the **Amildar and the Assistant Commissioner** under the Regulation, shall be exercised by the **Vice-President** of the Board, and the powers of the **Deputy Commissioner**, by the **President** of the Board. Provided that **nothing** contained in this Regulation **shall affect the powers that are now exercised by a Sanitary Board in respect of the control of epidemics** in the area under its control.]	President and Vice-President of Sanitary Board to exercise powers of Deputy Commissioner and Assistant Commissioner.	*Vide* clause 3. The Sanitary Board, Kolar Gold Fields, has agreed to the constitution of Panchayets for villages under its control, subject to conditions which are detailed in this new clause.
57. (1) If [after giving the member concerned a sufficient opportunity for showing cause to the contrary,] the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on [his part, they may,] by order in writing, direct such member to pay to the Panchayet before a date fixed, the amount required to re-imburse it for such loss, waste or misapplication.	57 (1) If the Government are satisfied that the loss, waste or misapplication of any money or other property owned by, or vested in a Panchayet is a direct consequence of misconduct or gross neglect on [the part of a member of the Panchayet, they may, after giving the Panchayetdar a sufficient opportunity for showing cause to the contrary,] by order in writing, direct such member to pay to the Panchayet before a date fixed, the amount required to re-imburse it for such loss, waste or misapplication.	Liability of members for loss, waste or misapplication of property or money.	The clause is re-cast without altering the sense. Calls for no remarks.
58. (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation or for the recovery of any sum of money collected under the authority of this Regulation or for damages on account of any assessment or collection of money under the said authority; [Provided that] the provisions of this Regulation have been in substance and effect complied with.	58. (2) (*a*) No Civil Court shall entertain a suit objecting to an assessment, demand or charge made or imposed under this Regulation, or for the recovery of any sum of money collected under the authority of this Regulation, or for damages on account of any assessment or collection of money under the said authority, [if] the provisions of this Regulation have been in substance and effect complied with.		Proviso is more a condition than a proviso. Hence the change.
60. (1) * * * * * shall on conviction before a Magistrate [be liable to a] fine not exceeding rupees fifty;	60. (1) shall on conviction before a Magistrate [be punished with] fine which may extend to rupees fifty;		"be punished with" is the usual formula and is substituted for "be liable to".
60. (2) (*b*) Compound for a similar sum any of the [offences aforesaid] and withdraw from the prosecution instituted under this regulation or any rule thereunder.	60. (2) (*b*) Compound for a similar sum any of the [aforesaid offences which, under any law for the time being in force, may lawfully be compounded] and withdraw from the prosecution instituted under this Regulation or any rule thereunder.		Re-cast so as to make it clear that offences under this Regulation which are not compoundable under any law for the time being in force, cannot be compounded.

Nil	[60A. A Panchayet may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties, and for the punishment of any persons offending against the provisions of this Regulation, or of any rule thereunder, and may order the expenses of such prosecutions or other proceedings to be paid out of the Panchayet fund. Panchayet may prosecute. Provided that no prosecution for an offence under this Regulation shall be instituted except within six months next after the commission of such offence.]	A provision similar to what exists in the Municipal Regulation regarding prosecutions for public nuisances is necessary 
61 (2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules :—	61 (2) In particular, and without prejudice to the generality of the foregoing power, the Government shall have power to make rules :—	
(*f*) regarding the time, place and the conduct of meetings of Panchayets [and quorum ;]	(*f*) regarding the time, place and the conduct of meetings of Panchayets;	Quorum is already provided for. (*Vide* clause 17). Hence it is omitted here.
[65] (2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.	[63] (2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers, it shall be sufficient to serve it on, or send it to, [any] one of such owners or occupiers.	No remarks.